



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0031/P2

PJH&CMH:cjs&kjf:cs

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Thurs.
please
see aff'd ✓

revis

~~Ed -
I think
I removed
all notes
CMT
I meant to, at least~~

1 AN ACT to repeal 758.19 (5) (a) 5., 940.49, 967.02 (title), 967.02 (3) and (4), 967.02
2 (8), 967.03, 967.05 (1) (b) and (c), 967.05 (2) and (3), 967.06 (title), 967.06 (2) (b),
3 967.07, 967.08 (2) (d), 968.01 (1) (c), 968.02 (2), 968.02 (3), 968.02 (4), 968.03
4 (title) and (3), 968.03 (1), 968.04 (1) (a), 968.04 (2) (title), 968.04 (2) (c), 968.04
5 (3) (title), 968.04 (3) (a) 8., 968.04 (3) (b) 3. a., 968.04 (3) (b) 3. b. (intro.), 968.04
6 (3) (b) 4., 968.06, 968.085 (2) (a) to (f), 968.09 (2), 968.12 (3) (e), 969.001 (2),
7 969.01 (2) (title), 969.02 (title), (1), (2), (3) (a), (b), (c) and (d), (4), (4m), (5), (7),
8 (7m) and (8), 969.03, 969.05, 969.08 (1), (2), (3) and (4), 969.09 (title), (1) and
9 (3), 969.13, 969.14, 970.01 (title), 970.01 (2), 970.02 (title), 970.02 (1) (intro.),
10 970.02 (1) (c), 970.02 (3), 970.02 (4), 970.02 (5), 970.03 (title), (1), (2), (3), (5), (7),
11 (8), (9), (10), (13) and (14), 970.032 (title), 970.035, 970.038, 970.04, 970.05,
12 971.01, 971.02, 971.04 (1) (a), 971.05, 971.06 (1) (d), 971.06 (2), 971.06 (3),
13 971.07, 971.08 (3), 971.14 (title), 971.14 (1g), 971.14 (1r) (title), 971.14 (1r) (c),
14 971.14 (2) (title), 971.14 (2) (am), 971.14 (3) (dm) 1. and 2., 971.14 (4) (title),
15 971.14 (4) (b), 971.14 (4) (c), 971.14 (4) (d), 971.14 (5) (title), 971.14 (6) (title),

971.14 (6) (a), 971.16 (1), 971.16 (3) (a), 971.16 (3) (b), 971.17 (1j) (title), 971.17 (1m) (title), 971.17 (2) (title), 971.17 (3) (title), 971.17 (4m), 971.17 (6m) (title), 971.17 (6m) (a) 1., 971.17 (6m) (b), 971.17 (6m) (c), 971.17 (7) (d), 971.20 (3), 971.225 (1) (b), 971.23 (title), 971.23 (2m) (a), 971.23 (2m) (am), 971.23 (5c) (title), 971.23 (6c) (title), 971.23 (7m) (b), 971.23 (8) (b), 971.23 (8) (c), 971.23 (8) (e), 971.23 (10) (title), 971.29 (3), 971.30 (title) and (1), 971.31 (title), 971.31 (1), 971.31 (5), 971.31 (7), 971.31 (8), 972.02 (title), 972.04 (2), 972.09, 972.10 (1) (a) (intro.), 972.10 (1) (a) 2., 972.10 (2), 972.10 (3), 972.10 (4), 972.10 (6), 972.115 (title), 972.13 (title), 972.13 (6), 972.13 (7), 972.14 (1) (ag), 973.049 (1) (b), 973.20 (1g), 974.05 (3), 975.001, 975.01, 975.06, 975.07, 975.08, 975.09, 975.10, 975.11, 975.12, 975.15, 975.16, 975.17, 975.18, 979.05 (title), 979.06 (title), (1), (2) and (5), 979.07 and 979.08 (2); **to renumber** 967.02 (intro.), 967.02 (5), 967.057, 967.06 (3), 967.08 (title), 967.10, 967.11, 968.01 (1) (intro.), (a) and (b), 968.01 (4), 968.04 (2) (b), 968.04 (3) (b) (title), 968.075 (title), 968.075 (1), 968.075 (2) (ar), 968.075 (2) (b), 968.075 (3), 968.075 (4), 968.075 (6) to (9), 968.085 (3) (intro.), 968.085 (3) (c), 968.085 (6), 968.12 (4), 968.13 (1) (b), (c) and (d), 968.135 (title), 968.17, 968.18, 968.20 (title), 968.20 (1r), 968.21, 968.22, 968.23, 968.24, 968.255 (title), 968.255 (5), 968.265, 968.27 (2), 968.27 (5), 968.27 (8), 968.27 (12) and (13), 968.27 (14), 968.27 (14g), 968.27 (15), 968.27 (17), 968.33, 968.505 (title), 969.01 (title), 969.01 (2) (e), 969.08 (5) (a), 969.08 (5) (b) 2., 969.08 (5) (b) 5., 969.08 (6), 969.08 (9), 969.08 (10), 969.12, 970.032 (2) (a), (b) and (c), 971.04 (title), 971.12 (title), 971.14 (1r) (a), 971.14 (2) (f), 971.14 (3) (a) and (b), 971.16 (title), 971.165 (title), 971.17 (title), 971.17 (1j) (a), 971.17 (4) (title), 971.17 (5) (title), 971.17 (6m) (a) 2., 971.17 (6m) (a) 3., 971.17 (7) (title), 971.17 (7m), 971.225 (title), 971.23 (1) (c), 971.23 (1) (h), 971.23 (5c),

1 971.23 (8) (title), 971.23 (10), 971.26, 971.32, 971.34, 971.36, 971.365, 972.10
2 (title), 972.11 (title), 972.13 (4), 973.18 (title), 973.18 (5), 973.19 (title) and
3 979.08 (title); **to renumber and amend** 801.50 (5t), 967.02 (1), 967.02 (2),
4 967.02 (6), 967.02 (7), 967.04 (title), (1), (2), (3), (4), (5) and (6), 967.04 (7) (a),
5 967.04 (7) (b), 967.04 (8), 967.04 (9), 967.04 (10), 967.05 (title), 967.055, 967.08
6 (1), 967.08 (2) (intro.), 967.08 (2) (a) to (c), 967.08 (3) (intro.), 967.08 (3) (a) to
7 (f), 967.09, 968.01 (title), 968.01 (2), 968.01 (3), 968.02 (title) and (1), 968.03 (2),
8 968.04 (title), 968.04 (1) (intro.), 968.04 (1) (b), 968.04 (1) (c), 968.04 (1) (d),
9 968.04 (2) (a), 968.04 (3) (a) (intro.), 968.04 (3) (a) 1. to 6., 968.04 (3) (a) 7., 968.04
10 (3) (b) 1., 968.04 (3) (b) 2., 968.04 (3) (b) 3. (intro.), 968.04 (3) (b) 3. b. (form),
11 968.04 (4), 968.05, 968.07, 968.073, 968.075 (2) (a), 968.075 (2) (am), 968.075
12 (2m), 968.075 (5), 968.08, 968.085 (title), 968.085 (1), 968.085 (2) (intro.),
13 968.085 (3) (a), 968.085 (3) (b), 968.085 (3) (d), 968.085 (4), 968.085 (5), 968.085
14 (7), 968.085 (8), 968.09 (title), 968.09 (1), 968.10, 968.11, 968.12 (title), 968.12
15 (1), 968.12 (3) (title), 968.12 (3) (b), 968.13 (title), 968.13 (1) (intro.), 968.13 (1)
16 (a), 968.13 (2), 968.135, 968.14, 968.15, 968.16, 968.19, 968.20 (1), 968.20 (1m),
17 968.20 (2), 968.20 (3) and (4), 968.205, 968.25, 968.255 (1), 968.255 (2) (intro.),
18 968.255 (2) (a), 968.255 (2) (b), (c), (d) and (e), 968.255 (3), 968.255 (4), 968.255
19 (6), 968.255 (7), 968.256, 968.26, 968.27 (intro.), 968.27 (1), 968.27 (3), 968.27
20 (4), 968.27 (6), 968.27 (7), 968.27 (9), 968.27 (10), 968.27 (11), 968.28, 968.29,
21 968.30, 968.31, 968.32, 968.34, 968.35, 968.36, 968.37, 968.38, 968.40 (title),
22 968.40 (1), 968.40 (3), 968.40 (4), 968.40 (6), (7) and (8), 968.41, 968.42, 968.43,
23 968.44, 968.45 (title), 968.45 (1), 968.45 (2), 968.46, 968.47, 968.48, 968.49,
24 968.50, 968.505, 968.51, 968.52, 968.53, 969.001 (intro.), 969.001 (1), 969.01 (1),
25 969.01 (2) (a), 969.01 (2) (d), 969.01 (3), 969.01 (4), 969.02 (2m), 969.02 (3) (e),

969.02 (6), 969.035, 969.04, 969.065, 969.07, 969.08 (title), 969.08 (5) (b) 1.,
969.08 (5) (b) 3., 969.08 (5) (b) 4., 969.08 (7), 969.08 (8), 969.08 (9m), 969.09 (2),
969.11, 970.01 (1), 970.02 (1) (a), 970.02 (2), 970.02 (7), 970.02 (8), 970.03 (4),
970.03 (6), 970.03 (12), 970.032 (1), 970.032 (2) (intro.), 971.04 (1) (intro.),
971.04 (1) (b), (c), (d), (e), (f), (g) and (h), 971.04 (2), 971.04 (3), 971.08 (1) (a),
971.10 (1), 971.10 (2) (a), 971.10 (2) (b), 971.10 (3) (a), 971.10 (4), 971.12 (1) and
(2), 971.12 (3), 971.12 (4), 971.13, 971.14 (1r) (b), 971.14 (2) (a), 971.14 (2) (b),
971.14 (2) (c), 971.14 (2) (d), 971.14 (2) (e), 971.14 (2) (g), 971.14 (3) (intro.),
971.14 (3) (c), 971.14 (3) (d), 971.14 (3) (dm) (intro.), 971.14 (3) (e), 971.14 (4) (a),
971.14 (5) (a) 1., 2. and 3., 971.14 (5) (a) 4., 971.14 (5) (am), 971.14 (5) (b), 971.14
(5) (c), 971.14 (5) (d), 971.14 (6) (b), 971.14 (6) (c), 971.14 (6) (d), 971.15, 971.16
(2), 971.16 (3) (intro.), 971.16 (4), 971.16 (5), 971.16 (6), 971.165 (1), 971.165 (2),
971.165 (3) (a), 971.165 (3) (b), 971.17 (1), 971.17 (1g), 971.17 (1h), 971.17 (1j)
(b), 971.17 (1m) (a), 971.17 (1m) (b) 1m. a., 971.17 (1m) (b) 1m. b., 971.17 (1m)
(b) 2m., 971.17 (1m) (b) 3., 971.17 (1m) (b) 4., 971.17 (1m) (b) 5., 971.17 (2) (a),
971.17 (2) (b), 971.17 (2) (c), 971.17 (2) (d), 971.17 (2) (e), 971.17 (2) (f), 971.17
(2) (g), 971.17 (3) (a), 971.17 (3) (b), 971.17 (3) (c), 971.17 (3) (d), 971.17 (3) (e),
971.17 (4) (a), 971.17 (4) (b), 971.17 (4) (c), 971.17 (4) (d), 971.17 (4) (e), 971.17
(5), 971.17 (6), 971.17 (6m) (a) (intro.), 971.17 (6m) (d), 971.17 (7) (a), 971.17 (7)
(b), 971.17 (7) (c), 971.17 (8), 971.18, 971.19, 971.20 (title), (1), (2), (4), (5), (6),
(7), (8), (9), (10) and (11), 971.22, 971.223, 971.225 (1) (intro.), (a) and (c),
971.225 (2), 971.23 (1) (intro.), 971.23 (1) (a), 971.23 (1) (b), 971.23 (1) (bm),
971.23 (1) (d), 971.23 (1) (e), 971.23 (1) (f), 971.23 (1) (g), 971.23 (2m) (intro.),
971.23 (2m) (b), 971.23 (2m) (c), 971.23 (3), 971.23 (5), 971.23 (6) (title), 971.23
(6), 971.23 (6c), 971.23 (6m), 971.23 (7), 971.23 (7m) (a), 971.23 (8) (a), 971.23

(8) (d), 971.23 (9), 971.23 (11), 971.27, 971.29 (title), 971.29 (1), 971.29 (2), 971.31 (2), 971.31 (3), 971.31 (4), 971.31 (6), 971.31 (9), 971.31 (10), 971.31 (11), 971.31 (12), 971.31 (13), 971.315, 972.02 (1), 972.02 (2), 972.02 (3), 972.02 (4), 972.03, 972.07, 972.08, 972.085, 972.10 (1) (a) 1., 972.10 (1) (b), 972.10 (5), 972.10 (7), 972.11 (1), 972.11 (2), 972.11 (2m) (a) (intro.) and 1., 972.11 (2m) (b), 972.11 (2m) (bm), 972.11 (2m) (c) (intro.), 1m., 2m. and 3m., 972.11 (3), 972.11 (3m), 972.11 (4), 972.115 (1), 972.115 (2), 972.115 (4) and (5), 972.12, 972.13 (1), 972.13 (2), 972.13 (3), 972.13 (5), 972.14 (title), (2), (2m) and (3), 972.15, 973.18 (1), 973.18 (2), (3) and (4), 973.19 (1) (a), 973.19 (1) (b), 973.19 (2), (3), (4) and (5), 979.04, 979.05 (1), 979.05 (2), 979.05 (3), 979.05 (4), 979.05 (5), (6) and (7), 979.06 (3), (4) and (6), 979.08 (1), 979.08 (3) (a), 979.08 (3) (b), 979.08 (5), 979.08 (6) and 979.08 (7); **to consolidate, renumber and amend** 967.05 (1) (intro.) and (a), 967.06 (1) and (2) (a), 968.12 (2) and (3) (a) and (d), 968.12 (3) (c) and (f), 968.27 (16) (intro.), (a) and (b), 969.01 (2) (b) and (c), 970.02 (1) (b) and (6), 971.11 (2) and (3), 971.30 (2) (intro.), (a), (b) and (c), 972.11 (2m) (a) 2. (intro.), a. and b., 972.14 (1) (intro.) and (b) and 979.08 (3) (intro.) and (4); **to amend** 6.10 (7m) (a) (intro.), 6.10 (7m) (a) 2., 13.35 (2), 16.84 (2), 17.16 (7) (b), 19.32 (1b), 20.435 (2) (bj), 20.435 (2) (gk), 20.550 (1) (f), 23.33 (4c) (b) 3., 23.56 (1), 23.65 (2), 29.921 (6), 29.938 (2), 29.972 (1) (a), 29.972 (1) (c), 29.974 (1), 29.974 (2) (b), 30.681 (2) (c), 46.10 (2), 46.90 (6) (bt) 8., 48.31 (2), 48.366 (1) (b), 48.396 (2) (dr), 48.78 (2) (d) 1., 48.981 (1) (b), 48.981 (7) (a) 14m., 49.138 (1m) (c), 49.19 (4) (d) 3., 49.95 (8), 51.05 (2), 51.20 (1) (am), 51.20 (16) (j), 51.30 (3) (b), 51.30 (4) (b) 8m., 51.30 (4) (b) 9., 51.30 (4) (b) 11., 51.30 (4) (b) 12m., 51.30 (4) (b) 16., 51.30 (7), 51.37 (1), 51.37 (3), 51.37 (4), 51.37 (9), 51.37 (10) (am), 51.375 (1) (a), 51.39, 51.42 (3) (as) 1m., 51.42 (3) (as) 1r., 51.42 (3) (aw) 1. d., 51.437 (4rm) (a), 51.61

(1) (intro.), 51.61 (1) (e), 51.61 (1) (i) 1., 51.87 (3), 55.043 (6) (bt) 8., 55.075 (intro.), 59.34 (2) (a), 59.40 (2) (c), 66.0113 (3) (e), 66.0114 (1) (a), 66.0139 (4) and (5), 69.18 (2) (f) 3., 77.61 (12) (b), 93.17 (2), 102.13 (5), 102.88 (1) and (2), 103.10 (1m) (b) 1., 110.001 (1m), 110.07 (2m), 110.07 (4), 111.07 (2) (b) 2., 125.14 (6) (a), 128.16 (2), 133.15 (2), 134.43 (3), 139.20 (2), 139.39 (5) (b), 146.81 (4), 146.82 (2) (c), 154.30 (3) (a) 2., 165.76 (1) (b), 165.76 (1) (g), 165.76 (1) (g), 165.76 (1m), 165.76 (1m), 165.76 (2m) (g), 165.76 (4) (a), (b) and (c), 165.765 (1m), 165.765 (2) (a) 1., 165.77 (2) (b), 165.77 (2) (b), 165.77 (2m) (c), 165.77 (2m) (c), 165.77 (3), 165.77 (3), 165.77 (4) (am) 1., 165.77 (4) (am) 2. (intro.), a., b. and d., 165.79 (1), 165.81 (1), 165.81 (3) (a) 1. and 2., (b), (bm), (c), (d), (e) and (f), 167.10 (8) (b), 169.42 (2) (b), 169.45 (5) (intro.), 173.10, 173.12 (1m), 175.60 (3) (d), 175.60 (3) (e), 175.60 (9g) (a) 2., 175.60 (11) (a) 2. b., 175.60 (11) (a) 2. c., 175.60 (11) (a) 2. g., 175.60 (11) (a) 2. i., 175.60 (14) (am), 195.048 (2), 196.207 (3) (e), 196.48 (1) (b), 230.81 (2), 251.16, 252.11 (5m), 252.11 (7), 252.15 (2m) (b) 3., (3m) (d) 14. and (4) (c), 301.03 (3c), 301.03 (7m), 301.035 (2), 301.035 (4), 301.45 (1g) (c), 301.45 (1g) (d), 301.45 (1g) (dd), 301.45 (1g) (dp), 301.45 (1g) (e), 301.45 (1m) (b), 301.45 (1m) (be), 301.45 (1m) (bm), 301.45 (1m) (bv), 301.45 (1m) (d) 1., 301.45 (1m) (e) (intro.), 301.45 (1p) (b), 301.45 (3) (a) 3., 301.45 (3) (a) 3g., 301.45 (3) (b) 3., 301.45 (5) (a) 3., 301.45 (5) (a) 3m., 301.45 (5) (b) 3., 301.45 (6) (a) 2. a., 301.45 (6) (ag) 2. a., 301.45 (6) (bm), 301.45 (7) (f) 4., 301.46 (3) (d), 301.47 (3) (b) 1., 301.48 (2) (a) 4., 301.48 (2) (a) 5., 301.48 (2) (b) 3., 302.113 (9) (e), 302.114 (9) (d), 304.06 (3), 304.10 (1) (b), 322.0767 (1) (a), 322.0767 (1) (b), 322.0767 (1) (c), 322.0767 (1) (d), 322.0767 (2) (a), 322.0767 (2) (b), 322.0767 (2) (c), 322.0767 (2) (d), 322.0767 (2) (e), 343.305 (9) (c), 345.20 (1) (a), 345.20 (2) (c), 345.28 (3) (a), 345.28 (5) (b) 1., 345.31, 346.63 (2) (am), 346.63 (6) (b), 350.101 (2) (c),

1 551.602 (5) (b), 553.55 (3) (b), 601.62 (5) (b), 631.95 (1) (c), 704.16 (1) (b) 4.,
2 704.16 (1) (b) 7., 704.16 (3) (b) 2. d., 704.16 (3) (b) 2. g., 756.06 (2) (a), 756.06 (2)
3 (c), 757.54 (2) (a) 1., 757.54 (2) (a) 2., 757.69 (1) (b), 757.69 (1) (i), 758.171, 767.87
4 (4) (b), 781.04 (1), 785.03 (1) (b), 800.035 (8), 801.02 (7) (a) 2. c., 801.02 (7) (a)
5 2. e., 801.52, 807.05, 808.03 (3) (b), 808.04 (3), 808.04 (4), 808.075 (4) (b) 4.,
6 808.075 (4) (g) 1., 808.075 (4) (g) 2., 808.075 (4) (g) 7., subchapter III (title) of
7 chapter 809 [precedes 809.30], 809.30 (title), 809.30 (1) (a), 809.30 (1) (b) 4.,
8 809.30 (1) (c), 809.30 (1) (e), 809.30 (2) (a), 809.31 (6), 814.22 (1) (intro.), 814.69
9 (1) (a), 885.01 (2), 885.15 (2), 885.24 (2), 885.25 (2m), 885.365 (1), 885.64 (2),
10 891.39 (1) (b), 891.39 (2) (b), 893.93 (1) (d), 895.01 (1) (am) 7., 895.34, 895.446
11 (4), 895.45 (1) (a), 895.46 (9) (a) (intro.) and 2. and (b) (intro.) and 2., 895.54,
12 901.01, 901.04 (1), 901.04 (3) (cm), 901.05 (3), 904.04 (1) (b), 904.06 (1), 906.08
13 (1) (intro.), 906.08 (2), 907.06 (5), 908.08 (5) (am), 908.08 (5) (b), 908.08 (6),
14 911.01 (1), 911.01 (4) (b), 911.01 (4) (c), 938.183 (1) (ar), 938.183 (1m) (b),
15 938.195 (1) (a), 938.293 (2), 938.30 (2), 938.30 (5) (c) (intro.), 938.30 (5) (d)
16 (intro.), 938.30 (5) (e) 1. (intro.), 938.31 (2), 938.31 (3) (a) 4., 938.31 (3) (d),
17 938.315 (2), 938.35 (1) (cm), 938.396 (1) (a), 938.396 (2g) (dr), 938.535, 938.78
18 (2) (d) 1., 939.60, 939.615 (2) (a), 939.615 (3) (d), 939.621 (1) (a), 939.621 (2),
19 939.74 (1), 939.74 (3), 939.74 (4), 940.09 (1m) (a), 940.09 (1m) (b), 940.225 (4)
20 (intro.), 940.25 (1m) (a), 940.25 (1m) (b), 940.32 (2m) (d), 940.48 (intro.), 941.28
21 (5), 941.29 (3), 943.245 (3m), 943.51 (3r), 946.42 (3) (g), 946.49 (1) (intro.),
22 946.49 (2), 946.52, 946.60 (1), 946.86 (2), 946.87 (2) (am), 948.015 (9), 948.31 (5),
23 948.50 (4) (c), 948.50 (5), 949.165 (1) (a), 949.165 (9), 950.04 (1v) (b), 950.04 (1v)
24 (d), 950.04 (1v) (dL), 950.04 (1v) (e), 950.04 (1v) (em), 950.04 (1v) (g), 950.04 (1v)
25 (L), 950.04 (1v) (m), 950.04 (1v) (p), 950.04 (1v) (qm), 950.04 (1v) (s), 950.04 (1v)

(um), 950.04 (1v) (x), 950.04 (2w) (f), 950.055 (2) (b), 950.08 (2g) (c), 950.08 (2g) (e), 950.08 (2r) (intro.), 951.01 (4), 961.48 (2m) (a), 961.48 (2m) (b) (intro.), 961.56 (1), 967.01, 969.10, 971.06 (1) (a), (b) and (c), 971.08 (title), 971.08 (1) (d), 971.095 (2) and (3), 971.10 (3) (b) (intro.), 1. and 2., 971.10 (3) (c), 971.105, 971.11 (1), 971.11 (4), 971.11 (5), 971.11 (6), 971.11 (7), 971.38 (1), 971.39 (1) (intro.), 972.01, 972.03 (title), 972.04 (1), 972.06, 973.013 (4), 973.017 (6m) (a) 2., 973.03 (3) (b), 973.03 (3) (e) 2., 973.03 (4) (d), 973.03 (5) (a) 1., 973.03 (5) (a) 2., 973.042 (4), 973.043 (2), 973.045 (2), 973.046 (2), 973.048 (5), 973.05 (3) (b), 973.05 (4) (b), 973.05 (4) (c), 973.05 (5) (a) 1., 973.05 (5) (a) 2., 973.05 (5) (c), 973.05 (5) (d), 973.05 (5) (e), 973.055 (2) (a), 973.06 (1) (av) 2. a. and b., 973.06 (1) (h), 973.076 (2) (a), 973.08 (5), 973.09 (2) (a) 1. b., 973.09 (3) (b), 973.09 (3) (bm) 4., 973.09 (7m) (a), 973.10 (2m), 973.135 (3), 973.195 (1r) (e), 973.20 (1r), 973.20 (9m), 973.20 (11) (a), 973.20 (12) (c), 974.02, 974.05 (1) (intro.), 974.05 (1) (a), (b), (c) and (d) (intro.), 1. and 2., 974.05 (2), 974.06 (title), (1), (2) and (3) (intro.), (a), (b) and (d), 974.06 (4), 974.06 (5), (6), (7) and (8), 974.07 (4) (b), 974.07 (7) (b) 1., 974.07 (9) (a), 974.07 (10) (a) 4., 977.05 (4) (h), 977.05 (4) (j), 977.05 (6) (b) 2., 977.05 (6) (e) (intro.) and 2., 978.045 (1r) (intro.), 978.045 (1r) (i), 978.05 (3), 978.05 (4), 978.05 (6) (a), 978.06 (4), 978.08 (1) (a) and (b), (2), (2m), (3), (4) and (5), 979.02, 979.025 (1), 979.025 (2), 979.09, 979.10 (2), 979.11, 979.22, 980.015 (2) (c), 980.015 (2) (d), 980.031 (4), 980.036 (2) (c), 980.036 (6), 990.01 (23) and 995.50 (7); **to repeal and recreate** chapter 969 (title), chapter 970 (title), chapter 971 (title), 971.08 (1) (b), 971.09, 972.04 (title) and chapter 975 (title); and **to create** 48.315 (4), 175.27 (title), 175.60 (3) (dm), 175.60 (11) (a) 2. gm., 809.30 (2) (m), 904.045 (title), 938.18 (10), 938.21 (2) (f), 967.025 (title), 967.025 (2), 967.025 (3), 967.025 (5), 967.025 (7), 967.025 (8), 967.025

1 (10), 967.025 (11), 967.025 (14), 967.025 (15), 967.025 (16), 967.025 (17), 967.12
2 (3), 967.13 (1) (a) and (b), 967.13 (1) (i), 967.14 (1) (d), 967.14 (2), 967.14 (4),
3 967.21 (2) (title), 967.21 (3) (title), 967.21 (4) (title), 967.21 (5) (title), 967.21 (6)
4 (title), 967.22 (title), subchapter I (title) of chapter 968 [precedes 968.015],
5 968.025 (title), 968.025 (3), 968.025 (4) (title), 968.025 (4) (e), 968.035 (title),
6 subchapter II (title) of chapter 968 [precedes 968.105], subchapter III (title) of
7 chapter 968 [precedes 968.155], subchapter IV (title) of chapter 968 [precedes
8 968.305], subchapter V (title) of chapter 968 [precedes 968.455], subchapter VI
9 (title) of chapter 968 [precedes 968.465], 968.465 (5) and (6), 968.475 (2) (a),
10 968.475 (2) (e), 968.475 (3), 968.485 (title) and (1), 968.585 (2) (ag), 968.585
11 (4m), 968.585 (7) (cm), subchapter VII (title) of chapter 968 [precedes 968.605],
12 subchapter VIII (title) of chapter 968 [precedes 968.705], 968.705 (1), (3) and
13 (4), 968.71, subchapter I (title) of chapter 969 [precedes 969.15], 969.15, 969.19,
14 969.20 (2), 969.20 (6), 969.20 (7) (title), 969.21 (title), 969.24 (2m), 969.25,
15 969.26 (title), 969.26 (3), subchapter II (title) of chapter 969 [precedes 969.30],
16 969.30 (3) to (7), 969.31 (3), 969.31 (4), 969.32, 969.33 (title), 969.33 (2), 969.33
17 (3), 969.33 (4), 969.33 (5) to (7), 969.37, 969.38, 969.41, 969.42, subchapter III
18 (title) of chapter 969 [precedes 969.50], 969.50 (2) and (3), subchapter I (title)
19 of chapter 970 [precedes 970.06], 970.06 (2), 970.06 (3), 970.06 (4), 970.08 (2),
20 970.09 (2), 970.10 (title), (1) and (3), 970.13 (3), 970.14 (13), 970.15, subchapter
21 II (title) of chapter 970 [precedes s. 970.21, subchapter I (title) of chapter 971
22 [precedes 971.013], 971.015 (title), 971.015 (1) (title), 971.015 (1) (b), 971.015
23 (2), 971.015 (4), 971.027 (intro.), 971.027 (2) and (4), 971.035, 971.038,
24 subchapter II (title) of chapter 971 [precedes 971.06], 971.06 (1) (title), 971.06
25 (4), 971.065, 971.08 (1) (ag), 971.08 (1) (am), 971.085 (title) and (1) (intro.),

971.085 (1) (b), 971.085 (2), 971.093, subchapter III (title) of chapter 971 [precedes 971.098], 971.098, 971.10 (1) (title), 971.10 (1) (b), 971.10 (2r), 971.10 (3) (title), subchapter IV (title) of chapter 971 [precedes 971.42], 971.42, 971.43 (title) and (1), 971.43 (2) (b), 971.43 (2) (br), 971.43 (2) (e), 971.43 (2) (f), 971.43 (2) (h), 971.43 (3), 971.43 (4), 971.43 (6), 971.43 (7), 971.43 (8), 971.44 (title) and (1), 971.44 (2) (a), 971.44 (3), 971.46 (intro.) and (1), 971.48 (title), 971.48 (2), 971.49, 971.51 (title) and (1), 971.52 (3), 971.56, 971.57, 971.58 (title), subchapter V (title) of chapter 971 [precedes 971.65], 971.65 (title), 971.65 (2), 971.66, 971.68 (title), (1) and (3), 971.69, subchapter VI (title) of chapter 971 [precedes 971.75], 971.75 (title), 971.75 (2), 971.75 (4), 971.75 (6) (title) and (a), 971.75 (7) (title), 971.75 (9) (title), 971.76, 971.77 (title), 972.005 (title), 972.005 (2), 972.025 (title) and (1), 972.04 (3), 972.075, 972.16 (1) and (2), 972.18 (title), 972.19, 972.20 (title), 972.22 (title), 972.23 (title), 972.23 (2), 972.24, 972.25, 972.26, 972.28 (title), 974.02 (3), 974.08 (title), 974.08 (1), 974.08 (2) and (3), 974.09 (title), subchapter I (title) of chapter 975 [precedes 975.20], 975.20, subchapter II (title) of chapter 975 [precedes 975.30], 975.31 (title), 975.31 (2), 975.32 (title), 975.32 (2), 975.32 (4), 975.32 (7), 975.32 (10), 975.33 (title), 975.33 (1) (f), 975.34, 975.36 (title), 975.36 (2), 975.36 (4), 975.37, 975.38 (title), 975.39, subchapter III (title) of chapter 975 [precedes 975.50], 975.51 (4) (b), 975.51 (5) (b), 975.52 (1), 975.52 (4) (title), 975.53 (title), 975.54 (title), 975.56 (title), 975.57 (2) (e), 975.57 (3), 975.57 (4) (title), 975.57 (4) (b) and (c), 975.57 (5) (title), 975.59 (5) (title), 975.59 (5) (b) and (c), 975.61 (1) (d), 975.62 (title), 975.62 (1)

- 1 (d), 975.62 (2), (3) and (4), 975.63 (3) and 977.072 (title) of the statutes; **relating**
2 **to:** criminal procedure and providing penalties.

Analysis by the Legislative Reference Bureau

****NOTE: Please review this analysis very closely for accuracy and thoroughness. I tried to include all items April identified as important, but, since this bill has been a project spanning over a decade and involving many drafters, review is necessary. In addition, Joint Rule 59 allows for explanative notes to be included in proposals offered at the request of the judicial council. If you prefer to add explanative notes after each section, I would be happy to assist.

REORGANIZATION

This bill reorganizes each chapter of the criminal procedure code, with the exception of chapter 973, Sentencing. This bill creates subchapters in long chapters, separates long statutes into shorter statutes, reorganizes individual statutes, and provides titles for some provisions.

Specifically, for example, this bill creates a single, general statute for plea agreements. The bill provides that the district attorney and the defendant, without the court's participation, may reach a plea agreement. The agreement may require the district attorney, if the defendant enters a plea of guilty or no contest, to take certain actions, including moving to dismiss or amend any charge; recommending the defendant's request for a particular disposition; or agreeing that a specific disposition is appropriate. The bill also creates a single statute to clarify, and explain the consequences of, the different pleas available to the defendant. The bill requires the court to grant a motion, made before sentencing, to withdraw a plea of guilty or no contest if a fair and just reason for doing so is established and requires the court to grant such a motion, made after sentencing, if the defendant did not knowingly, voluntarily, and understandingly enter the plea or if withdrawal is required to prevent a manifest injustice. Finally, the bill specifies that a withdrawal of a plea of guilty or no contest vacates the judgment, reinstates any original charge, and restores the parties to the position they were in before the plea was accepted.

This bill also replaces several statutes governing deferred prosecution agreements in specific cases with a single, general statute defining and authorizing deferred and suspended prosecution agreements. The bill provides that the same standards that govern a district attorney's charging authority also govern the district attorney's authority to enter into a deferred prosecution agreement and that the same standards that apply to a court's authority to schedule cases and grant continuances apply to a court's authority to suspend prosecution under a suspended prosecution agreement. Under this bill, both a deferred prosecution agreement and a suspended prosecution agreement are enforceable in the same manner as a plea agreement. The bill further notes that consenting to a deferred prosecution or suspended prosecution agreement is not an admission of guilt nor is it admissible in a trial relating to the charge to which the agreement pertains. Finally, this bill grants immunity from civil liability in excess of \$25,000 for acts or omissions by an organization or individual for whom an agreement assigns an individual to work.

Finally, this bill creates a single statute that lists the current methods of securing the initial appearance of a person charged with a crime.

EXPEDITING PRETRIAL PROCEDURE

DISPOSITION OF MISDEMEANORS AND RELEASE

Under current law, a citation issued by a law enforcement officer directs a person to appear in court and answer criminal charges. The citation may not be used as a criminal complaint. This bill allows a citation for a misdemeanor that is issued by a law enforcement officer to be used as a criminal complaint if the district attorney endorses it. The bill specifies the contents of the citation, such as the crime the person allegedly committed, the date of the commission, and the maximum penalty for the crime. The bill requires a law enforcement officer citing a person for a misdemeanor to release the person without a cash bond unless certain circumstances apply, including if the person does not give proper identification or appears to endanger a person or property.

Under current law, a law enforcement officer generally may release a person who is arrested without a warrant without requiring the person to appear before a judge if the law enforcement officer is satisfied that there are insufficient grounds for the issuance of a criminal complaint against the person. Under this bill, a law enforcement officer may release such a person without determining if there are insufficient grounds for the issuance of a criminal complaint.

Under current law, a person arrested for a criminal offense may be released under reasonable conditions that the court sets at an initial appearance. This bill provides that, with exceptions, a district attorney may release an arrested person before the initial appearance if the person signs a bond. The district attorney may not impose monetary conditions of release but may impose other conditions, including requiring the person to report any address change or to appear at specified times and places for investigative purposes or restricting the person from contacting a specified person or from possessing a dangerous weapon. The district attorney, when determining whether to release on bond, may consider all of the following: if the defendant has provided proper identification, if the defendant is willing to comply with the conditions of the bond, if the defendant appears to pose a danger to a person or property, if the defendant can show sufficient ties to the community, if the defendant has previously failed to appear in response to a citation, subpoena, summons, or order of court, and if further detention appears necessary for investigative activities.

If the court orders release, this bill requires the court to release the defendant to return on a specific date without conditions; on a personal recognizance bond; on an unsecured appearance bond; or on a secured appearance bond.

ELIMINATION OF PRELIMINARY EXAMINATION IN FELONY CASES

Under current law, a defendant in a felony case is entitled to a preliminary examination, at which the court determines whether there is probable cause to believe that the defendant committed a felony. This bill eliminates the preliminary examination and instead permits a defendant to move for a pretrial dismissal of the complaint. The motion must state the grounds and specify the following: 1) any elements or required facts that the defendant believes the state cannot prove because

there is no genuine issue as to any material fact; 2) any evidence, or absence of evidence, that the defendant believes is uncontroverted and that establishes the grounds stated in the motion, and 3) any applicable included crime that the defendant believes the state cannot prove at trial because there is no genuine issue as to any material fact. If the grounds, if true, would justify granting the dismissal motion and the allegations in the complaint do not demonstrate that there is a genuine issue of material fact as to those grounds, the district attorney may file a written response to establish the elements or other facts that the state is required to prove at trial. The court may request that the district attorney and defense counsel present arguments and may allow testimony to resolve the questions whether a genuine issue of material fact exists. Unless the court denies the motion because the grounds, if true, would not justify granting the motion or because the allegations demonstrate a genuine issue of material fact, the court must rule on the motion based on the complaint, the material submitted by the defendant in support of the motion, and material, testimony, or argument presented. If the court concludes, for the reasons specified in the motion, that there is no genuine issue as to any material fact, the court must either grant the motion or allow the district attorney to amend the complaint.

DISCOVERY

Under this bill, the purpose of discovery is defined as to promote fair and expeditious disposition of criminal charges, to provide the defendant with sufficient information to make an informed plea, to permit thorough preparation for and minimize surprise at trial, to reduce interruptions and complications during trial and avoid unnecessary trials by resolving any issues before trial, to minimize inequities among similarly situated defendants, to effect economies, and to minimize the burden upon victims and witnesses.

Current law requires a district attorney, upon demand and within a reasonable time before trial, to disclose to the defendant any reports or statements of experts made in connection with the case or, if an expert does not prepare a report or statement, a written summary of the expert's findings or the subject of his or her testimony, and the results of any examination, scientific test, experiment, or comparison that the district attorney intends to offer in evidence. This bill requires any party who intends to call an expert witness to, not less than 15 days before trial, notify the party of the expert's name, address, and qualifications and furnish any reports or statements of experts made in connection with the case or, if none, a written summary of the expert's findings or the subject matter of his or her testimony, and the results of any mental examination, scientific test, experiment, or comparison that the party intends to offer in evidence.

Under this bill, before trial and upon motion by either party, the court may issue a subpoena to require the production of documents and other tangible objects if the evidence may be material to the determination of issues. The motion and the subpoena must specify who must produce the material, whether certified copies of documents may be submitted in lieu of appearance, and other conditions.

Under this bill, the disclosure of discoverable material may be accomplished in any manner mutually agreeable to the parties. If the parties do not agree, the party

that has the duty to disclose must either provide a copy of the material to be disclosed or notify the other party that the material may be inspected, copied, or photographed during specified reasonable times.

Under this bill, the court may, upon motion by the district attorney, order a defendant to participate in a procedure to obtain nontestimonial evidence if the procedure is reasonable. Such procedures include appearing, moving, or speaking for identification in a lineup; trying on clothing and other articles; providing handwriting and voice exemplars; being photographed; having fingerprints or other body impressions taken; providing samples of blood, urine, saliva, semen, skin, breath, hair, or nails or materials under the nails; submitting to body measurements and other reasonable body surface examinations; and submitting to physical and medical inspection.

Under this bill, the court may, upon motion of a defendant, issue a subpoena requiring an individual to participate in a procedure to obtain nontestimonial evidence if an affidavit or testimony shows probable cause to believe that the individual to be subpoenaed committed the crime with which the defendant is charged and that the evidence sought is necessary to an adequate defense and cannot practicably be obtained from other sources.

Under this bill, the district attorney may provide discovery before the initial appearance. At the initial appearance this bill requires the district attorney to disclose, after the defendant has obtained or waived legal representation, any pertinent law enforcement investigative reports the district attorney has and a copy of the defendant's criminal record.

INCOMPETENCY TO STAND TRIAL

Under current law, when there is reason to doubt a defendant's competency to proceed in a criminal action, the court must appoint an examiner to submit to the court a report upon the condition of the defendant that contains specified findings. This bill adds that, if the examiner reports that the defendant is not competent to proceed and that the defendant is not likely to become competent within the maximum period of commitment under the statutes, the examiner must provide his or her opinion on whether the defendant meets the criteria for commitment.

The bill reorganizes the competency hearing statutes and makes certain changes to burdens of persuasion. Under current law, at the outset of the competency hearing, if the defendant claims to be incompetent or is silent, the defendant must be found incompetent unless the state proves by the greater weight of the credible evidence that the defendant is competent. Under current law, if the defendant claims to be competent, the defendant must be found competent unless the state proves by clear and convincing evidence that the defendant is incompetent. Under the bill, the state has the burden of going forward with evidence at a competency hearing, and the court may find the defendant competent to proceed only if the court finds by the greater weight of the evidence that the defendant is competent to proceed. The bill specifies the following: 1) if the defendant is not competent and the court finds by the greater weight of the evidence that the defendant is not likely to become competent within the maximum period of commitment, the court must order the defendant be released or delivered to a facility; 2) if the defendant is not competent

and the court finds by the greater weight of the evidence that the defendant is likely to become competent within the maximum period of commitment without inpatient treatment, the court must order that the defendant be released and may require the defendant to participate in outpatient treatment, or undergo periodic reexaminations to determine whether the defendant has become competent to proceed, for a period that does not exceed the maximum period of commitment; or 3) if the defendant is not competent and the court finds by clear and convincing evidence that the defendant is likely to become competent within the maximum period of commitment if provided appropriate inpatient treatment, the court must commit the defendant to the custody of the Department of Health Services (DHS) for treatment. Finally, if the defendant is committed to the department and the court finds by clear and convincing evidence that the defendant is not competent to refuse medication or treatment, the court must find that the defendant is not competent to refuse medication or treatment and must order whoever administers medication or treatment to the defendant to observe appropriate medical standards.

Under current law, if the defendant is committed to the custody of DHS for treatment following a competency proceeding, the days spent in commitment are given credit toward the service of his or her sentence for the same course of conduct. This bill requires the court to include in the commitment order a specific finding of the number of days spent in commitment.

Current law requires DHS to periodically reexamine the defendant and to submit to the court a written report on the defendant's mental condition at three months, six months, and nine months after commitment. This bill requires an additional report if DHS determines that the defendant has become competent or that the defendant is not likely to become competent within the remaining commitment period and requires the court to schedule a review of this additional report within 14 days.

This bill creates a process for the court to follow whenever the court determines there is reason to doubt a defendant's ability, with a reasonable degree of rational understanding, to assist counsel or make decisions when seeking an appeal or a motion for postconviction relief. Pending the determination or after a finding of incompetency, the circuit court may allow proceedings on any issue raised by the defendant's attorney that rests on the records, does not require the defendant to assist counsel or make a decision, and involves no risk to the defendant and the court of appeals may grant the defendant a continuance or lengthen the time for filing necessary notices or motions for postconviction relief. If the court finds that the defendant lacks competency, the court may appoint a guardian to make decisions or order treatment to restore the defendant to competency to pursue postconviction relief. Finally, the bill provides that a defendant who lacks competency to pursue postconviction relief may, after regaining competency, raise any issue at a later proceeding that he or she did not raise earlier because of incompetency.

Under current law, if a defendant is found not guilty by reason of mental disease or defect, the court must enter a judgment of not guilty by reason of mental disease or defect and proceed to commitment. The judgment is interlocutory to the commitment order and reviewable upon appeal. Under this bill, the court must

proceed to a dispositional hearing and the commitment order is the final order and is appealable as a matter of right. Upon appeal, this bill provides that all properly preserved issues, including those relating to the guilt phase of the trial, may be raised.

NEW OR CODIFIED AUTHORITY

This bill creates a process that requires a court, upon the request of a district attorney and a showing that the information requested is relevant to a criminal investigation, to order a financial institution to disclose to the district attorney whether the person named in the order has or had an account at the financial institution.

This bill also allows a third party who has deposited cash for the release of a defendant on a secured appearance bond to apply to the court for an order to return the deposit before the entry of a judgment of conviction or forfeiture. The court then may determine whether to remit the deposit and whether to modify the conditions of release.

This bill requires a court, except in extraordinary circumstances, to release a person who is arrested without a warrant within 48 hours of the arrest unless the court has determined there is probable cause that the person committed an offense.

Under current law, before a criminal court dismisses a case against a person, the court must inquire if the district attorney has offered all of the victims an opportunity to confer with the district attorney concerning the prosecution and outcome of the case. This bill adds that, if the district attorney moves to dismiss a complaint, the trial court must grant the motion unless the court finds that dismissal is contrary to the public interest or, if the motion is made during the trial, unless the defendant has not consented. If the court grants the motion, the action is dismissed and the clerk must enter an order to that effect.

Under current law, courts use their authority to manage litigation to specify times for discovery, pretrial motions, notices of intent to offer an alibi or another defense, pretrial conferences, trials, and other proceedings. This bill codifies this specific authority to issue and amend scheduling orders.

This bill provides that, if a defendant moves to dismiss a criminal prosecution by asserting that the statute under which he or she is charged is unconstitutional, the defendant must serve the motion on the attorney general and the district attorney.

This bill specifies that, if a defendant moves for severance because a codefendant's out-of-court statement refers to, but is not admissible against, the defendant and the court determines that the state intends to offer the statement in evidence, the court must require the district attorney to elect one of the following: 1) a joint trial at which the statement is not received in evidence; 2) a joint trial at which the statement is received in evidence only after all references to the defendant have been deleted, if admission of the statement with the deletions made will not cause prejudice; 3) a separate trial for the defendant; or 4) if the court approves, a single trial with a separate jury for the defendant and the codefendant.

Under this bill, if the court authorizes the jurors to ask questions of witnesses, the court must instruct the jury to ask only questions that clarify information

already presented and must instruct the jury of the procedure to be used. The procedure provides that the juror must submit the question in writing to the judge who will show the question to the parties. The parties may object to the question without the jury knowing. If the judge, upon reviewing the question and any objections, determines that the question is legally proper, the judge may ask it of the witness.

Under current law, if the number of jurors, including any additional jurors selected, remains more than required at final submission of the cause, the court must determine by lot which jurors will not participate in deliberations and discharge them. Under this bill, the court may, for good cause, discharge additional jurors other than by lot. Moreover, this bill allows the court to determine which jurors will not participate in deliberations but retain those jurors as alternates after the jury retires to deliberate. If an alternate replaces a juror after deliberations have begun, the court must instruct the jury to begin its deliberations anew.

This bill defines "stipulation" as an agreement between the parties that a specified fact is taken as established without need for proof. Further, a stipulation must be set forth on the record when the court accepts it, and, in a jury trial, the court must instruct the jury to take stipulated facts as conclusively proved.

Finally, this bill specifies that a verdict must be unanimous and returned in open court. Under current case law, a defendant in a criminal case has the right to poll the jury, and refusal to permit the defendant to do so is an error for which the verdict will be set aside. This bill requires a court to ask each juror individually whether the verdict as returned was and is in the juror's verdict. This bill requires the court to accept the verdict if it is in proper form and confirmed by the poll.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 6.10 (7m) (a) (intro.) of the statutes is amended to read:

2 6.10 (7m) (a) (intro.) The residence of a person who is detained, or committed
3 and institutionalized, under s. 51.20, ~~971.14, or 971.17~~ or ch. 975 or 980 shall be
4 determined by applying the standards under sub. (1) to whichever of the following
5 dates is applicable to the circumstances of the person:

6 **SECTION 2.** 6.10 (7m) (a) 2. of the statutes is amended to read:

7 6.10 (7m) (a) 2. For a person committed under s. ~~971.14 or 971.17~~ ch. 975, the
8 date of the offense or alleged offense that resulted in the person's commitment.

9 **SECTION 3.** 13.35 (2) of the statutes is amended to read:

1 13.35 (2) The immunity provided under sub. (1) is subject to the restrictions
2 under s. ~~972.085~~ 967.18.

3 **SECTION 4.** 16.84 (2) of the statutes is amended to read:

4 16.84 (2) Appoint such number of police officers as is necessary to safeguard
5 all public property placed by law in the department's charge, and provide, by
6 agreement with any other state agency, police and security services at buildings and
7 facilities owned, controlled, or occupied by the other state agency. The governor or
8 the department may, to the extent it is necessary, authorize police officers employed
9 by the department to safeguard state officers, state employees, or other persons. A
10 police officer who is employed by the department and who is performing duties that
11 are within the scope of his or her employment as a police officer has the powers of a
12 peace officer under s. 59.28, except that the officer has the arrest powers of a law
13 enforcement officer under s. ~~968.07~~ 969.16 regardless of whether the violation is
14 punishable by forfeiture or criminal penalty. The officer may exercise the powers of
15 a peace officer and the arrest powers of a law enforcement officer while located
16 anywhere within this state. Nothing in this subsection limits or impairs the duty of
17 the chief and each police officer of the police force of the municipality in which the
18 property is located to arrest and take before the proper court or magistrate persons
19 found in a state of intoxication or engaged in any disturbance of the peace or violating
20 any state law in the municipality in which the property is located, as required by s.
21 62.09 (13).

22 **SECTION 5.** 17.16 (7) (b) of the statutes is amended to read:

23 17.16 (7) (b) The immunity provided under par. (a) is subject to the restrictions
24 under s. ~~972.085~~ 967.18.

25 **SECTION 6.** 19.32 (1b) of the statutes is amended to read:

1 19.32 (1b) “Committed person” means a person who is committed under ch.
2 975, 2011 stats., or ch. 51, 971, 975, or 980 and who is placed in an inpatient
3 treatment facility, during the period that the person’s placement in the inpatient
4 treatment facility continues.

5 **SECTION 7.** 20.435 (2) (bj) of the statutes is amended to read:

6 20.435 (2) (bj) *Competency examinations and treatment, and conditional*
7 *release, supervised release, and community supervision services.* Biennially, the
8 amounts in the schedule for outpatient competency examinations and treatment
9 services; and for payment by the department of costs for treatment and services for
10 persons released under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s.
11 ~~971.17 (3) (d) or (4) (e)~~ 975.57, 975.59, or 980.08 (4) (g) or for persons who are inmates
12 of the department of corrections who are released on community supervision, for
13 which the department has contracted with county departments under s. 51.42 (3)
14 (aw) 1. d., with other public agencies, or with private agencies to provide the
15 treatment and services.

16 **SECTION 8.** 20.435 (2) (gk) of the statutes is amended to read:

17 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
18 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
19 developmentally disabled, to reimburse the cost of providing the services and to
20 remit any credit balances to county departments that occur on and after
21 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
22 46.043, provided by the mental health institutes, to reimburse the cost of providing
23 the services and to remit any credit balances to county departments that occur on and
24 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of
25 state-owned housing at centers for the developmentally disabled and mental health

1 institutes; for repair or replacement of property damaged at the mental health
2 institutes or at centers for the developmentally disabled; and for reimbursing the
3 total cost of using, producing, and providing services, products, and care. All moneys
4 received as payments from medical assistance on and after August 1, 1978; as
5 payments from all other sources including other payments under s. 46.10 and
6 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical
7 assistance payments, other payments under s. 46.10, and payments under s. 51.42
8 (3) (as) 2. received on and after January 1, 1979; as payments for the rental of
9 state-owned housing and other institutional facilities at centers for the
10 developmentally disabled and mental health institutes; for the sale of electricity,
11 steam, or chilled water; as payments in restitution of property damaged at the
12 mental health institutes or at centers for the developmentally disabled; for the sale
13 of surplus property, including vehicles, at the mental health institutes or at centers
14 for the developmentally disabled; and for other services, products, and care shall be
15 credited to this appropriation, except that any payment under s. 46.10 received for
16 the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20 for which
17 the state is liable under s. 51.05 (3), of forensic patients committed under ch. ~~971~~ 975,
18 2011 stats., or ch. 975, admitted under ch. 975, 2011 stats., or transferred under s.
19 51.35 (3), or of patients transferred from a state prison under s. 51.37 (5), to the
20 Mendota Mental Health Institute or the Winnebago Mental Health Institute shall
21 be treated as general purpose revenue — earned, as defined under s. 20.001 (4); and
22 except that moneys received under s. 51.06 (6) may be expended only as provided in
23 s. 13.101 (17).

24 **SECTION 9.** 20.550 (1) (f) of the statutes is amended to read:

1 20.550 (1) (f) *Transcripts, discovery, and interpreters.* The amounts in the
2 schedule for the costs of interpreters and discovery materials and for the
3 compensation of court reporters or clerks of circuit court for preliminary
4 examination, trial, and appeal transcripts, and the payment of related costs under
5 s. ~~967.06 (3)~~ 977.072.

6 **SECTION 10.** 23.33 (4c) (b) 3. of the statutes is amended to read:

7 23.33 (4c) (b) 3. ‘Related charges.’ A person may be charged with and a
8 prosecutor may proceed upon a complaint based upon a violation of any combination
9 of subd. 1., 2., or 2m. for acts arising out of the same incident or occurrence. If the
10 person is charged with violating any combination of subd. 1., 2., or 2m. in the
11 complaint, the crimes shall be joined under s. ~~971.12~~ 970.13. If the person is found
12 guilty of any combination of subd. 1., 2., or 2m. for acts arising out of the same
13 incident or occurrence, there shall be a single conviction for purposes of sentencing
14 and for purposes of counting convictions under sub. (13) (b) 2. and 3. Subdivisions
15 1., 2., and 2m. each require proof of a fact for conviction which the others do not
16 require.

17 **SECTION 11.** 23.56 (1) of the statutes is amended to read:

18 23.56 (1) A person may be arrested for a violation of those statutes enumerated
19 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the
20 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances
21 enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77, after
22 a warrant that substantially complies with s. ~~968.04~~ 969.20 has been issued. Except
23 as provided in sub. (2), the person arrested shall be brought without unreasonable
24 delay before a court having jurisdiction to try the action.

25 **SECTION 12.** 23.65 (2) of the statutes is amended to read:

1 23.65 (2) The complaint shall be prepared in the form specified in s. 23.55.
2 After a complaint is prepared, it shall be filed with the judge and a summons shall
3 be issued or the complaint shall be dismissed pursuant to s. ~~968.03~~ 969.20. Such
4 filing commences the action.

5 **SECTION 13.** 29.921 (6) of the statutes is amended to read:

6 29.921 (6) SEARCH WARRANTS; SUBPOENAS. In executing search warrants and
7 subpoenas under this chapter where the penalty for the violation is a forfeiture, the
8 department shall use procedures which comply with ss. ~~968.12~~ 968.465, 968.485,
9 968.495, 968.506, 968.605, 968.615, and ~~968.135 to 968.19~~ 968.705.

10 **SECTION 14.** 29.938 (2) of the statutes is amended to read:

11 29.938 (2) Property turned over to the department under s. ~~968.20 (3)~~ 175.27
12 (1).

13 **SECTION 15.** 29.972 (1) (a) of the statutes is amended to read:

14 29.972 (1) (a) Fails to respond to a summons under s. 23.66 (3) or 23.67 (4), or
15 a warrant or summons under s. ~~968.04~~ 969.20.

16 **SECTION 16.** 29.972 (1) (c) of the statutes is amended to read:

17 29.972 (1) (c) Fails to appear before the court and is subject to a bench warrant
18 under s. ~~968.09~~ 969.50.

19 **SECTION 17.** 29.974 (1) of the statutes is amended to read:

20 29.974 (1) If a person is convicted of any violation of this chapter, of s. 167.31
21 (2) or (3) or of a rule promulgated under s. 167.31 (4m), and it is alleged in the
22 indictment, ~~information~~ or complaint, and proved or admitted on trial or ascertained
23 by the court after conviction that the person was previously convicted within a period
24 of 5 years for a violation of this chapter, of s. 167.31 (2) or (3) or of a rule promulgated
25 under s. 167.31 (4m) by any court of this state, the person shall be fined not more than

1 \$100, or imprisoned not more than 6 months or both. In addition, all hunting, fishing
2 and trapping approvals issued to the person shall be revoked and no hunting, fishing
3 or trapping approval may be issued to the person for a period of one year after the
4 2nd conviction.

5 **SECTION 18.** 29.974 (2) (b) of the statutes is amended to read:

6 29.974 (2) (b) When any person is convicted and it is alleged in the indictment,
7 ~~information~~ or complaint and proved or admitted on trial or ascertained by the court
8 after conviction that the person had been before convicted 3 times within a period of
9 3 years for violations of this chapter or department order punishable under s. 29.501
10 (10), 29.601 (1) or 29.971 (5), or for violation of s. 29.539, or for violation of any statute
11 or department order regulating the taking or possession of any wild animal or
12 carcass during the closed season or any combination of those violations by any court
13 of this state, and that the convictions remain of record and unreversed, the person
14 shall be fined not more than \$2,000 or imprisoned for not more than 9 months or both.

15 **SECTION 19.** 30.681 (2) (c) of the statutes is amended to read:

16 30.681 (2) (c) *Related charges.* A person may be charged with and a prosecutor
17 may proceed upon a complaint based upon a violation of any combination of par. (a)
18 or (b) 1., 1m., or 2. for acts arising out of the same incident or occurrence. If the person
19 is charged with violating any combination of par. (a) or (b) 1., 1m., or 2. in the
20 complaint, the crimes shall be joined under s. ~~971.12~~ 970.13. If the person is found
21 guilty of any combination of par. (a) or (b) 1., 1m., or 2. for acts arising out of the same
22 incident or occurrence, there shall be a single conviction for purposes of sentencing
23 and for purposes of counting convictions under s. 30.80 (6) (a) 2. and 3. Paragraphs
24 (a) and (b) 1., 1m., and 2. each require proof of a fact for conviction which the others
25 do not require.

1 **SECTION 20.** 46.10 (2) of the statutes is amended to read:

2 **46.10 (2)** Except as provided in subs. (2m) and (14) (b) and (c), any person,
3 including but not limited to a person admitted, committed, protected, or placed under
4 s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003
5 stats., ~~and s. 55.06, 2003 stats., and ss. or s. 975.06, 2011 stats., or s. 51.10, 51.13,~~
6 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12,
7 55.13, 55.135, ~~971.14 (2) and (5), 971.17 (1), 975.06 and or 980.06, or ch. 975,~~
8 receiving care, maintenance, services and supplies provided by any institution in
9 this state including University of Wisconsin Hospitals and Clinics, in which the state
10 is chargeable with all or part of the person's care, maintenance, services and
11 supplies, any person receiving care and services from a county department
12 established under s. 51.42 or 51.437 or from a facility established under s. 49.73, and
13 any person receiving treatment and services from a public or private agency under
14 s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. ~~971.17 (3) (d) or (4) (e)~~
15 975.57 (4), 975.59, or 980.08 (4) (g) and the person's property and estate, including
16 the homestead, and the spouse of the person, and the spouse's property and estate,
17 including the homestead, and, in the case of a minor child, the parents of the person,
18 and their property and estates, including their homestead, and, in the case of a
19 foreign child described in s. 48.839 (1) who became dependent on public funds for his
20 or her primary support before an order granting his or her adoption, the resident of
21 this state appointed guardian of the child by a foreign court who brought the child
22 into this state for the purpose of adoption, and his or her property and estate,
23 including his or her homestead, shall be liable for the cost of the care, maintenance,
24 services and supplies in accordance with the fee schedule established by the
25 department under s. 46.03 (18). If a spouse, widow or minor, or an incapacitated

1 person may be lawfully dependent upon the property for their support, the court
2 shall release all or such part of the property and estate from the charges that may
3 be necessary to provide for those persons. The department shall make every
4 reasonable effort to notify the liable persons as soon as possible after the beginning
5 of the maintenance, but the notice or the receipt thereof is not a condition of liability.

6 **SECTION 21.** 46.90 (6) (bt) 8. of the statutes is amended to read:

7 46.90 (6) (bt) 8. To the attorney or guardian ad litem for the elder adult at risk
8 who is the alleged victim named in the record, to assist in preparing for any
9 proceeding under ch. 975, 2011 stats., or ch. 48, 51, 54, 55, 813, ~~971~~, or 975 pertaining
10 to the alleged victim.

11 **SECTION 22.** 48.31 (2) of the statutes is amended to read:

12 48.31 (2) The hearing shall be to the court unless the child, the child's parent,
13 guardian, or legal custodian, the unborn child by the unborn child's guardian ad
14 litem, or the expectant mother of the unborn child exercises the right to a jury trial
15 by demanding a jury trial at any time before or during the plea hearing. If a jury trial
16 is demanded in a proceeding under s. 48.13 or 48.133, the jury shall consist of 6
17 persons. If a jury trial is demanded in a proceeding under s. 48.42, the jury shall
18 consist of 12 persons unless the parties agree to a lesser number. Chapters 756 and
19 805 shall govern the selection of jurors. If the hearing involves a child victim or
20 witness, as defined in s. 950.02, the court may order that a deposition be taken by
21 audiovisual means and allow the use of a recorded deposition under s. ~~967.04 (7) to~~
22 ~~(10) and, with the district attorney, shall comply with s. 971.105~~ 967.22. At the
23 conclusion of the hearing, the court or jury shall make a determination of the facts,
24 except that in a case alleging a child or an unborn child to be in need of protection
25 or services under s. 48.13 or 48.133, the court shall make the determination under

1 s. 48.13 (intro.) or 48.133 relating to whether the child or unborn child is in need of
2 protection or services that can be ordered by the court. If the court finds that the child
3 or unborn child is not within the jurisdiction of the court or, in a case alleging a child
4 or an unborn child to be in need of protection or services under s. 48.13 or 48.133, that
5 the child or unborn child is not in need of protection or services that can be ordered
6 by the court or if the court or jury finds that the facts alleged in the petition have not
7 been proved, the court shall dismiss the petition with prejudice.

8 **SECTION 23.** 48.315 (4) of the statutes is created to read:

9 48.315 (4) The court and the representative of the public under s. 48.09 shall
10 take appropriate action to ensure a speedy fact-finding and dispositional hearing in
11 order to minimize the time during which any victim of the abuse or neglect addressed
12 at the hearing or any witness, as defined in s. 950.02 (5), who is a child must endure
13 the stress of his or her involvement in the proceeding. In ruling on any motion or
14 other request for any continuance or delay of the proceedings, the court shall consider
15 and give weight to any adverse impact the delay or continuance may have on the
16 well-being of the victim or any child witness.

17 **SECTION 24.** 48.366 (1) (b) of the statutes is amended to read:

18 48.366 (1) (b) Subject to par. (c), if the person committed a crime specified in
19 s. 940.20 (1) or 946.43 while placed in a juvenile correctional facility and is adjudged
20 delinquent on that basis following transfer of jurisdiction under s. ~~970.032~~ 971.75 (5),
21 the court shall enter an order extending its jurisdiction until the person reaches 21
22 years of age or until termination of the order under sub. (6), whichever occurs earlier.

23 **SECTION 25.** 48.396 (2) (dr) of the statutes is amended to read:

24 48.396 (2) (dr) Upon request of the department of corrections or any other
25 person preparing a presentence investigation under s. ~~972.15~~ 973.004 to review court

1 records for the purpose of preparing the presentence investigation, the court shall
2 open for inspection by any authorized representative of the requester the records of
3 the court relating to any child who has been the subject of a proceeding under this
4 chapter.

5 **SECTION 26.** 48.78 (2) (d) 1. of the statutes is amended to read:

6 48.78 (2) (d) 1. The subject of a presentence investigation under s. ~~972.15~~
7 973.004.

8 **SECTION 27.** 48.981 (1) (b) of the statutes is amended to read:

9 48.981 (1) (b) "Community placement" means probation; extended supervision;
10 parole; aftercare; conditional transfer into the community under s. 51.35 (1);
11 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 residential
12 care center for children and youth or a Type 2 juvenile correctional facility
13 authorized under s. 938.539 (5); conditional release under s. ~~971.17~~ 975.57 or 975.59;
14 supervised release under s. 980.06 or 980.08; participation in the community
15 residential confinement program under s. 301.046, the intensive sanctions program
16 under s. 301.048, the corrective sanctions program under s. 938.533, the intensive
17 supervision program under s. 938.534, or the serious juvenile offender program
18 under s. 938.538; or any other placement of an adult or juvenile offender in the
19 community under the custody or supervision of the department of corrections, the
20 department of health services, a county department under s. 46.215, 46.22, 46.23,
21 51.42, or 51.437 or any other person under contract with the department of
22 corrections, the department of health services or a county department under s.
23 46.215, 46.22, 46.23, 51.42, or 51.437 to exercise custody or supervision over the
24 offender.

25 **SECTION 28.** 48.981 (7) (a) 14m. of the statutes is amended to read:

1 48.981 (7) (a) 14m. A judge conducting proceedings under s. ~~968.26~~ 968.105.

2 **SECTION 29.** 49.138 (1m) (c) of the statutes is amended to read:

3 49.138 (1m) (c) A member of the family was a victim of domestic abuse, as
4 defined in s. ~~968.075~~ 969.27 (1) (a).

5 **SECTION 30.** 49.19 (4) (d) 3. of the statutes is amended to read:

6 49.19 (4) (d) 3. Is the wife of a husband who has been committed to the
7 department pursuant to ch. 975, 2011 stats., irrespective of the probable period of
8 such commitment; or

9 **SECTION 31.** 49.95 (8) of the statutes is amended to read:

10 49.95 (8) Any person who makes any statement in a written application for aid
11 under this chapter shall be considered to have made an admission as to the existence,
12 correctness or validity of any fact stated, which shall be taken as prima facie evidence
13 against the party making it in any complaint, ~~information~~ or indictment, and in any
14 action or proceeding brought for the enforcement of any provision of this chapter.

15 **SECTION 32.** 51.05 (2) of the statutes is amended to read:

16 51.05 (2) ADMISSIONS AUTHORIZED BY COUNTIES. The department may not accept
17 for admission to a mental health institute any resident person, except in an
18 emergency, unless the county department under s. 51.42 in the county where the
19 person has residence authorizes the care under s. 51.42 (3) (as). Patients who are
20 committed to the department under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,
21 or s. 975.06, 2011 stats., or s. ~~971.14, 971.17, 975.06~~, or 980.06, or ch. 975, admitted
22 by the department under s. 975.17, 1977 stats., or are transferred from a juvenile
23 correctional facility or a secured residential care center for children and youth to a
24 state treatment facility under s. 51.35 (3) or from a jail or prison to a state treatment
25 facility under s. 51.37 (5) are not subject to this section.

1 **SECTION 33.** 51.20 (1) (am) of the statutes is amended to read:

2 51.20 (1) (am) If the individual has been the subject of inpatient treatment for
3 mental illness, developmental disability, or drug dependency immediately prior to
4 commencement of the proceedings as a result of a voluntary admission, a
5 commitment or protective placement ordered by a court under this section ~~or~~, s.
6 55.06, 2003 stats., ~~s. 971.17~~ ch. 975, 2011 stats., or ch. 975, or a protective placement
7 or protective services ordered under s. 55.12, or if the individual has been the subject
8 of outpatient treatment for mental illness, developmental disability, or drug
9 dependency immediately prior to commencement of the proceedings as a result of a
10 commitment ordered by a court under this section, ~~s. 971.17~~ ch. 975, 2011 stats., or
11 ch. 975, the requirements of a recent overt act, attempt or threat to act under par.
12 (a) 2. a. or b., pattern of recent acts or omissions under par. (a) 2. c. or e., or recent
13 behavior under par. (a) 2. d. may be satisfied by a showing that there is a substantial
14 likelihood, based on the subject individual's treatment record, that the individual
15 would be a proper subject for commitment if treatment were withdrawn. If the
16 individual has been admitted voluntarily to an inpatient treatment facility for not
17 more than 30 days prior to the commencement of the proceedings and remains under
18 voluntary admission at the time of commencement, the requirements of a specific
19 recent overt act, attempt or threat to act, or pattern of recent acts or omissions may
20 be satisfied by a showing of an act, attempt or threat to act, or pattern of acts or
21 omissions which took place immediately previous to the voluntary admission. If the
22 individual is committed under s. ~~971.14 (2) or (5)~~ 975.32 or 975.34 at the time
23 proceedings are commenced, or has been discharged from the commitment
24 immediately prior to the commencement of proceedings, acts, attempts, threats,

1 omissions, or behavior of the subject individual during or subsequent to the time of
2 the offense shall be deemed recent for purposes of par. (a) 2.

3 **SECTION 34.** 51.20 (16) (j) of the statutes is amended to read:

4 51.20 (16) (j) This subsection applies to petitions for reexamination that are
5 filed under ch. ~~971~~, but not s. ~~971.17~~, and ch. 975, 2011 stats., and subch. II of ch. 975,
6 except that the petitions shall be filed with the committing court.

7 **SECTION 35.** 51.30 (3) (b) of the statutes is amended to read:

8 51.30 (3) (b) An individual's attorney or guardian ad litem and the corporation
9 counsel shall have access to the files and records of the court proceedings under this
10 chapter without the individual's consent and without modification of the records in
11 order to prepare for involuntary commitment or recommitment proceedings,
12 reexaminations, appeals, or other actions relating to detention, admission, or
13 commitment under this chapter, ch. 975, 2011 stats., or ch. ~~971~~, 975, or 980.

14 **SECTION 36.** 51.30 (4) (b) 8m. of the statutes is amended to read:

15 51.30 (4) (b) 8m. To appropriate examiners and facilities in accordance with s.
16 54.36 (3), ~~971.17 (2) (e), (4) (e), and (7) (e)~~ 975.56 (2), 975.59 (3), or 975.63 (4). The
17 recipient of any information from the records shall keep the information confidential
18 except as necessary to comply with s. ~~971.17~~ subch. III of ch. 975.

19 **SECTION 37.** 51.30 (4) (b) 9. of the statutes is amended to read:

20 51.30 (4) (b) 9. To a facility which is to receive an individual who is involuntarily
21 committed under this chapter, ch. 975, 2011 stats., or ch. 48, 938, ~~971~~, or 975 upon
22 transfer of the individual from one treatment facility to another. Release of records
23 under this subdivision shall be limited to such treatment records as are required by
24 law, a record or summary of all somatic treatments, and a discharge summary. The
25 discharge summary may include a statement of the patient's problem, the treatment

1 goals, the type of treatment which has been provided, and recommendation for future
2 treatment, but it may not include the patient's complete treatment record. The
3 department shall promulgate rules to implement this subdivision.

4 **SECTION 38.** 51.30 (4) (b) 11. of the statutes is amended to read:

5 51.30 (4) (b) 11. To the subject individual's counsel or guardian ad litem and
6 the corporation counsel, without modification, at any time in order to prepare for
7 involuntary commitment or recommitment proceedings, reexaminations, appeals, or
8 other actions relating to detention, admission, commitment, or patients' rights under
9 this chapter, ch. 975, 2011 stats., or ch. 48, ~~971~~, 975, or 980.

10 **SECTION 39.** 51.30 (4) (b) 12m. of the statutes is amended to read:

11 51.30 (4) (b) 12m. To any person if the patient was admitted under s. ~~971.14~~,
12 ~~971.17~~ or 980.06, ch. 975, 2011 stats., or ch. 975 or transferred under s. 51.35 (3) or
13 51.37 and is on unauthorized absence from a treatment facility. Information released
14 under this subdivision is limited to information that would assist in the
15 apprehension of the patient.

16 **SECTION 40.** 51.30 (4) (b) 16. of the statutes is amended to read:

17 51.30 (4) (b) 16. If authorized by the secretary or his or her designee, to a law
18 enforcement agency upon request if the individual was admitted under ch. ~~971~~ 975,
19 2011 stats., or ch. 975 or transferred under s. 51.35 (3) or 51.37. Information released
20 under this subdivision is limited to the individual's name and other identifying
21 information, including photographs and fingerprints, the branch of the court that
22 committed the individual, the crime that the individual is charged with, found not
23 guilty of by reason of mental disease or defect or convicted of, whether or not the
24 individual is or has been authorized to leave the grounds of the institution and

1 information as to the individual's whereabouts during any time period. In this
2 subdivision "law enforcement agency" has the meaning provided in s. 165.83 (1) (b).

3 **SECTION 41.** 51.30 (7) of the statutes is amended to read:

4 51.30 (7) CRIMINAL COMMITMENTS. Except as otherwise specifically provided,
5 this section applies to the treatment records of persons who are committed under ~~chs.~~
6 ~~971 and ch. 975, 2011 stats., or ch. 975.~~

7 **SECTION 42.** 51.37 (1) of the statutes is amended to read:

8 51.37 (1) All commitments under s. 975.01, 1977 stats., and s. 975.02, 1977
9 stats., and ~~under ss. 971.14 (5), 971.17 s. 975.06, 2011 stats., and 975.06 ss. 975.34,~~
10 ~~975.55, and 975.57~~ shall be to the department.

11 **SECTION 43.** 51.37 (3) of the statutes is amended to read:

12 51.37 (3) The Mendota and Winnebago mental health institutes may be used
13 for the custody, care and treatment of persons committed or transferred thereto
14 pursuant to this section ~~and chs. 971 and, ch. 975, 2011 stats., or ch. 975.~~

15 **SECTION 44.** 51.37 (4) of the statutes is amended to read:

16 51.37 (4) The department may, with the approval of the committing court and
17 the county department under s. 51.42 or 51.437, and subject to s. 51.35, transfer to
18 the care and custody of a county department under s. 51.42 or 51.437 any person in
19 an institution of the department committed under ~~s. 971.14 or 971.17~~ ch. 975, if in
20 its opinion, the mental condition of the person is such that further care is required
21 and can be properly provided under the direction of the county department under s.
22 51.42 or 51.437.

23 **SECTION 45.** 51.37 (9) of the statutes is amended to read:

24 51.37 (9) If in the judgment of the director of Mendota Mental Health Institute,
25 Winnebago Mental Health Institute or the Milwaukee County Mental Health

1 Complex, any person who is committed under ~~s. 971.14 or 971.17~~ ch. 975 is not in
2 such condition as warrants his or her return to the court but is in a condition to
3 receive a conditional transfer or discharge under supervision, the director shall
4 report to the department of health services, the committing court and the district
5 attorney of the county in which the court is located his or her reasons for the
6 judgment. If the court does not file objection to the conditional transfer or discharge
7 within 60 days of the date of the report, the director may, with the approval of the
8 department of health services, conditionally transfer any person to a legal guardian
9 or other person, subject to the rules of the department of health services. Before a
10 person is conditionally transferred or discharged under supervision under this
11 subsection, the department of health services shall so notify the municipal police
12 department and county sheriff for the area where the person will be residing. The
13 notification requirement does not apply if a municipal department or county sheriff
14 submits to the department of health services a written statement waiving the right
15 to be notified. The department of health services may contract with the department
16 of corrections for the supervision of persons who are transferred or discharged under
17 this subsection.

18 **SECTION 46.** 51.37 (10) (am) of the statutes is amended to read:

19 51.37 (10) (am) The director of a state treatment facility may grant to any
20 patient admitted to the facility as a result of a commitment under ~~ch. 971~~ ch. 975, 2011
21 stats., or ch. 975, a home visit for up to 15 days, or a leave for employment or
22 education purposes in which the patient is not absent from the facility for more than
23 15 days.

24 **SECTION 47.** 51.375 (1) (a) of the statutes is amended to read:

1 51.375 (1) (a) “Community placement” means conditional transfer into the
2 community under s. 51.35 (1), conditional release under s. ~~971.17~~ 975.57 or 975.59,
3 parole from a commitment for specialized treatment under ch. 975, 2011 stats., or
4 supervised release under ch. 980.

5 **SECTION 48.** 51.39 of the statutes is amended to read:

6 **51.39 Resident patients on unauthorized absence.** If any patient who is
7 admitted, transferred, or placed under s. 55.06, 2003 stats., ~~or~~ s. 51.13, 51.15, 51.20,
8 51.35 (3), 51.37, or 51.45 (11) (b), (12) or (13), ch. 975, 2011 stats., or ch. 55, ~~971~~, 975,
9 or 980 is on unauthorized absence from a treatment facility, the sheriff or any other
10 law enforcement agency in the county in which the patient is found or in which it is
11 believed the patient may be present, upon the request of the director, shall take
12 charge of and return the patient to the facility. The costs incident to the return shall
13 be paid out of the facility’s operating funds and be charged back to the patient’s
14 county of residence.

15 **SECTION 49.** 51.42 (3) (as) 1m. of the statutes is amended to read:

16 51.42 (3) (as) 1m. A county department shall reimburse a mental health
17 institute at the institute’s daily rate for custody of any person who is ordered by a
18 court located in that county to be examined at the mental health institute under s.
19 ~~971.14 (2)~~ 975.32 for all days that the person remains in custody at the mental health
20 institute, beginning 48 hours, not including Saturdays, Sundays, and legal holidays,
21 after the sheriff and county department receive notice under s. ~~971.14 (2) (d)~~ 975.32
22 (5) that the examination has been completed.

23 **SECTION 50.** 51.42 (3) (as) 1r. of the statutes is amended to read:

24 51.42 (3) (as) 1r. A county department shall authorize all care of any patient
25 in a state, local, or private facility under a contractual agreement between the county

1 department and the facility, unless the county department governs the facility. The
2 need for inpatient care shall be determined by the program director or designee in
3 consultation with and upon the recommendation of a licensed physician trained in
4 psychiatry and employed by the county department or its contract agency. In cases
5 of emergency, a facility under contract with any county department shall charge the
6 county department having jurisdiction in the county where the patient is found. The
7 county department shall reimburse the facility for the actual cost of all authorized
8 care and services less applicable collections under s. 46.036, unless the department
9 of health services determines that a charge is administratively infeasible, or unless
10 the department of health services, after individual review, determines that the
11 charge is not attributable to the cost of basic care and services. Except as provided
12 in subd. 1m., a county department may not reimburse any state institution or receive
13 credit for collections for care received in a state institution by nonresidents of this
14 state, interstate compact clients, transfers under s. 51.35 (3), transfers from
15 Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977
16 stats., or s. 975.02, 1977 stats., or s. 975.06, 2011 stats., ~~or s. 971.14, 971.17 or 975.06~~
17 ch. 975 or admissions under s. 975.17, 1977 stats., or children placed in the
18 guardianship of the department of children and families under s. 48.427 or 48.43 or
19 under the supervision of the department of corrections under s. 938.183 or 938.355.
20 The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs
21 that are attributable to care and treatment of the client.

22 **SECTION 51.** 51.42 (3) (aw) 1. d. of the statutes is amended to read:

23 51.42 (3) (aw) 1. d. Provide treatment and services that are specified in a
24 conditional release plan approved by a court for a person who is a county resident and
25 is conditionally released under s. ~~971.17 (3) or (4)~~ 975.57 (4) or 975.59 or that are

1 specified in a supervised release plan approved by a court under s. 980.06 (2) (c), 1997
2 stats., s. 980.08 (5), 2003 stats., or s. 980.08 (4) (g). If the county department provides
3 treatment and services under this subdivision, the department of health services
4 shall, from the appropriation under s. 20.435 (2) (bj), pay the county department for
5 the costs of the treatment and services.

6 **SECTION 52.** 51.437 (4rm) (a) of the statutes is amended to read:

7 51.437 (4rm) (a) A county department of developmental disabilities services
8 shall authorize all care of any patient in a state, local, or private facility under a
9 contractual agreement between the county department of developmental disabilities
10 services and the facility, unless the county department of developmental disabilities
11 services governs the facility. The need for inpatient care shall be determined by the
12 program director or designee in consultation with and upon the recommendation of
13 a licensed physician trained in psychiatry and employed by the county department
14 of developmental disabilities services or its contract agency prior to the admission
15 of a patient to the facility except in the case of emergency services. In cases of
16 emergency, a facility under contract with any county department of developmental
17 disabilities services shall charge the county department of developmental
18 disabilities services having jurisdiction in the county where the individual receiving
19 care is found. The county department of developmental disabilities services shall
20 reimburse the facility, except as provided under par. (c), for the actual cost of all
21 authorized care and services less applicable collections under s. 46.036, unless the
22 department of health services determines that a charge is administratively
23 infeasible, or unless the department of health services, after individual review,
24 determines that the charge is not attributable to the cost of basic care and services.
25 The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs

1 which are attributable to care and treatment of the client. County departments of
2 developmental disabilities services may not reimburse any state institution or
3 receive credit for collections for care received in a state institution by nonresidents
4 of this state, interstate compact clients, transfers under s. 51.35 (3) (a), commitments
5 under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. ~~971.14, 971.17 or~~ 975.06,
6 2011 stats., or ch. 975, admissions under s. 975.17, 1977 stats., children placed in the
7 guardianship of the department of children and families under s. 48.427 or 48.43 or
8 juveniles under the supervision of the department of corrections under s. 938.183 or
9 938.355.

10 **SECTION 53.** 51.61 (1) (intro.) of the statutes is amended to read:

11 51.61 (1) (intro.) In this section, “patient” means any individual who is
12 receiving services for mental illness, developmental disabilities, alcoholism or drug
13 dependency, including any individual who is admitted to a treatment facility in
14 accordance with this chapter or ch. 48 or 55 or who is detained, committed or placed
15 under this chapter, ch. 975, 2011 stats., or ch. 48, 55, ~~971,~~ 975, or 980, or who is
16 transferred to a treatment facility under s. 51.35 (3) or 51.37 or who is receiving care
17 or treatment for those conditions through the department or a county department
18 under s. 51.42 or 51.437 or in a private treatment facility. “Patient” does not include
19 persons committed under ch. 975, 2011 stats., who are transferred to or residing in
20 any state prison listed under s. 302.01. In private hospitals and in public general
21 hospitals, “patient” includes any individual who is admitted for the primary purpose
22 of treatment of mental illness, developmental disability, alcoholism or drug abuse
23 but does not include an individual who receives treatment in a hospital emergency
24 room nor an individual who receives treatment on an outpatient basis at those

1 hospitals, unless the individual is otherwise covered under this subsection. Except
2 as provided in sub. (2), each patient shall:

3 **SECTION 54.** 51.61 (1) (e) of the statutes is amended to read:

4 51.61 (1) (e) Except in the case of a patient who is admitted or transferred under
5 s. 51.35 (3) or 51.37, ch. 975, 2011 stats., or ~~under ch. 971 or 975~~, have the right to
6 the least restrictive conditions necessary to achieve the purposes of admission,
7 commitment or protective placement, under programs, services and resources that
8 the county board of supervisors is reasonably able to provide within the limits of
9 available state and federal funds and of county funds required to be appropriated to
10 match state funds.

11 **SECTION 55.** 51.61 (1) (i) 1. of the statutes is amended to read:

12 51.61 (1) (i) 1. Except as provided in subd. 2., have a right to be free from
13 physical restraint and isolation except for emergency situations or when isolation or
14 restraint is a part of a treatment program. Isolation or restraint may be used only
15 when less restrictive measures are ineffective or not feasible and shall be used for
16 the shortest time possible. When a patient is placed in isolation or restraint, his or
17 her status shall be reviewed once every 30 minutes. Each facility shall have a written
18 policy covering the use of restraint or isolation that ensures that the dignity of the
19 individual is protected, that the safety of the individual is ensured, and that there
20 is regular, frequent monitoring by trained staff to care for bodily needs as may be
21 required. Isolation or restraint may be used for emergency situations only when it
22 is likely that the patient may physically harm himself or herself or others. The
23 treatment director shall specifically designate physicians who are authorized to
24 order isolation or restraint, and shall specifically designate licensed psychologists
25 who are authorized to order isolation. If the treatment director is not a physician,

1 the medical director shall make the designation. In the case of a center for the
2 developmentally disabled, use shall be authorized by the director of the center. The
3 authorization for emergency use of isolation or restraint shall be in writing, except
4 that isolation or restraint may be authorized in emergencies for not more than one
5 hour, after which time an appropriate order in writing shall be obtained from the
6 physician or licensed psychologist designated by the director, in the case of isolation,
7 or the physician so designated in the case of restraint. Emergency isolation or
8 restraint may not be continued for more than 24 hours without a new written order.
9 Isolation may be used as part of a treatment program if it is part of a written
10 treatment plan, and the rights specified in this subsection are provided to the
11 patient. The use of isolation as a part of a treatment plan shall be explained to the
12 patient and to his or her guardian, if any, by the person who provides the treatment.
13 A treatment plan that incorporates isolation shall be evaluated at least once every
14 2 weeks. Patients who have a recent history of physical aggression may be restrained
15 during transport to or from the facility. Persons who are committed or transferred
16 under s. 51.35 (3) or 51.37, under ch. 975, 2011 stats., or under ch. ~~971~~ or 975, or who
17 are detained or committed under ch. 980, and who, while under this status, are
18 transferred to a hospital, as defined in s. 50.33 (2), for medical care may be isolated
19 for security reasons within locked facilities in the hospital. Patients who are
20 committed or transferred under ch. 975, 2011 stats., under s. 51.35 (3) or 51.37, or
21 under ch. ~~971~~ or 975, or who are detained or committed under ch. 980, may be
22 restrained for security reasons during transport to or from the facility.

23 **SECTION 56.** 51.87 (3) of the statutes is amended to read:

24 51.87 (3) PURCHASE OF SERVICES. A county department under s. 46.23, 51.42,
25 or 51.437 may contract as provided under this section with public or private agencies

1 in states bordering on Wisconsin to secure services under this chapter for persons
2 who receive services through the county department, except that services may not
3 be secured for persons committed under ~~s. 971.14 or 971.17~~ ch. 975. Section 46.036
4 (1) to (6) applies to contracts entered into under this section by county departments
5 under s. 46.23, 51.42, or 51.437.

6 **SECTION 57.** 55.043 (6) (bt) 8. of the statutes is amended to read:

7 55.043 (6) (bt) 8. To the attorney or guardian ad litem for the adult at risk who
8 is the alleged victim named in the record, to assist in preparing for any proceeding
9 under this chapter, ch. 975, 2011 stats., or ch. 48, 51, 54, 813, ~~971~~, or 975 pertaining
10 to the alleged victim.

11 **SECTION 58.** 55.075 (intro.) of the statutes is amended to read:

12 **55.075 Protective services or protective placement; petition.** (intro.)

13 Except as provided in s. ~~971.14 (6) (b)~~ 975.38:

14 **SECTION 59.** 59.34 (2) (a) of the statutes is amended to read:

15 59.34 (2) (a) Notwithstanding s. ~~979.04~~ 968.015 (3) and except as provided in
16 par. (b), any person holding office under sub. (1) may also serve as an emergency
17 medical technician, first responder or fire fighter.

18 **SECTION 60.** 59.40 (2) (c) of the statutes is amended to read:

19 59.40 (2) (c) Keep a criminal record and write in that record a history in every
20 criminal action like the court record in civil actions and proceedings with references
21 to the file where papers in the action can be found, to the minute record and to the
22 ~~information~~ complaint record where indictments and ~~informations~~ complaints can
23 be found.

24 **SECTION 61.** 66.0113 (3) (e) of the statutes is amended to read:

1 66.0113 (3) (e) A judgment may be entered under par. (d) if the summons or
2 citation was served as provided under s. ~~968.04 (3) (b) 2~~, 969.22 (2) or by personal
3 service by a county, town, city, village, town sanitary district or public inland lake
4 protection and rehabilitation district employee.

5 **SECTION 62.** 66.0114 (1) (a) of the statutes is amended to read:

6 66.0114 (1) (a) An action for violation of an ordinance or bylaw enacted by a city,
7 village, town sanitary district or public inland lake protection and rehabilitation
8 district is a civil action. All forfeitures and penalties imposed by an ordinance or
9 bylaw of the city, village, town sanitary district or public inland lake protection and
10 rehabilitation district, except as provided in ss. 345.20 to 345.53, may be collected in
11 an action in the name of the city or village before the municipal court or in an action
12 in the name of the city, village, town sanitary district or public inland lake protection
13 and rehabilitation district before a court of record. If the action is in municipal court,
14 the procedures under ch. 800 apply and the procedures under this section do not
15 apply. If the action is in a court of record, it shall be commenced by warrant or
16 summons under s. ~~968.04~~ 969.20 or, if applicable, by citation under s. 778.25 or
17 778.26. A law enforcement officer may arrest the offender in all cases without
18 warrant under s. ~~968.07~~ 969.16. If the action is commenced by warrant the affidavit
19 may be the complaint. The affidavit or complaint is sufficient if it alleges that the
20 defendant has violated an ordinance or bylaw, specifying the ordinance or bylaw by
21 section, chapter, title or otherwise with sufficient plainness to identify the ordinance
22 or bylaw. The judge may release a defendant without a cash deposit or may permit
23 him or her to execute an unsecured appearance bond upon arrest. In arrests without
24 a warrant or summons a statement on the records of the court of the offense charged
25 is the complaint unless the court directs that a formal complaint be issued. In all

1 actions under this paragraph the defendant's plea shall be guilty, not guilty or no
2 contest and shall be entered as not guilty on failure to plead. A plea of not guilty on
3 failure to plead puts all matters in the case at issue, any other provision of law
4 notwithstanding. The defendant may enter a not guilty plea by certified mail.

5 **SECTION 63.** 66.0139 (4) and (5) of the statutes are amended to read:

6 66.0139 (4) Except as provided in s. ~~968.20 (3)~~ 175.27 (1), a 1st class city shall
7 dispose of abandoned or unclaimed dangerous weapons or ammunition without a
8 public auction 12 months after taking possession of them if the owner has not
9 requested their return. Disposal procedures shall be established by ordinance or
10 resolution and may include provisions authorizing an attempt to return to the
11 rightful owner any dangerous weapons or ammunition which appear to be stolen or
12 are reported stolen. If enacted, a disposal procedure shall include a presumption that
13 if the dangerous weapons or ammunition appear to be or are reported stolen an
14 attempt will be made to return the dangerous weapons or ammunition to the rightful
15 owner. The dangerous weapons or ammunition are subject to sub. (5).

16 (5) A political subdivision may retain or dispose of any abandoned, unclaimed,
17 or seized dangerous weapon or ammunition only under s. ~~968.20 ss. 175.27 and~~
18 968.625.

19 **SECTION 64.** 69.18 (2) (f) 3. of the statutes is amended to read:

20 69.18 (2) (f) 3. A person signing a medical certification under par. (b), (c), or (d)
21 shall note on the certificate if the cause of death of the subject of the certificate is
22 unknown, or undetermined or if the determination of the cause of death is pending
23 and shall submit to the state registrar within 30 days after the pronouncement of
24 death an amendment to the medical certification which satisfies the requirements

1 of subd. 1., except that such amendment may exclude information which is
2 unavailable pending the determination of an inquest under s. ~~979.04~~ 968.015.

3 **SECTION 65.** 77.61 (12) (b) of the statutes is amended to read:

4 77.61 (12) (b) The immunity provided under par. (a) is subject to the
5 restrictions under s. ~~972.085~~ 967.18.

6 **SECTION 66.** 93.17 (2) of the statutes is amended to read:

7 93.17 (2) The immunity provided under sub. (1) is subject to the restrictions
8 under s. ~~972.085~~ 967.18.

9 **SECTION 67.** 102.13 (5) of the statutes is amended to read:

10 102.13 (5) The department may refuse to receive testimony as to conditions
11 determined from an autopsy if it appears that the party offering the testimony had
12 procured the autopsy and had failed to make reasonable effort to notify at least one
13 party in adverse interest or the department at least 12 hours before the autopsy of
14 the time and place it would be performed, or that the autopsy was performed by or
15 at the direction of the coroner or medical examiner or at the direction of the district
16 attorney for purposes not authorized by subch. I of ch. 968 or ch. 979. The
17 department may withhold findings until an autopsy is held in accordance with its
18 directions.

19 **SECTION 68.** 102.88 (1) and (2) of the statutes are amended to read:

20 102.88 (1) When a person is convicted of any violation of this chapter or of any
21 department rule or order, and it is alleged in the indictment, ~~information~~ or
22 complaint, and proved or admitted on trial or ascertained by the court after
23 conviction that the person was previously subjected to a fine or forfeiture within a
24 period of 5 years under s. 102.85, the person may be fined not more than \$2,000 or
25 imprisoned for not more than 90 days or both.

(2) When any person is convicted and it is alleged in the indictment, information or complaint and proved or admitted on trial or ascertained by the court after conviction that such person had been before subjected to a fine or forfeiture 3 times within a period of 3 years under s. 102.85 and that those convictions remain of record and unreversed, the person may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

SECTION 69. 103.10 (1m) (b) 1. of the statutes is amended to read:

103.10 (1m) (b) 1. "Domestic abuse" has the meaning given in s. ~~968.075~~ 969.27 (1) (a).

SECTION 70. 110.001 (1m) of the statutes is amended to read:

110.001 (1m) "Law enforcement officer" has the meaning given in s. ~~967.02 (5)~~ 967.025 (13).

SECTION 71. 110.07 (2m) of the statutes is amended to read:

110.07 (2m) In addition to the primary powers granted by subs. (1) and (2), any officer of the state traffic patrol shall have the powers of a peace officer under s. 59.28, except that the officer shall have the arrest powers of a law enforcement officer under s. ~~968.07~~ 969.16, regardless of whether the violation is punishable by forfeiture or criminal penalty. A state traffic officer shall at all times be available as a witness for the state but may not conduct investigations for crimes under chs. 939 to 948 other than crimes relating to the use or operation of vehicles. The primary duty of a state traffic officer shall be the enforcement of chs. 340 to 351 or of any other law relating to the use or operation of vehicles upon the highway. No state traffic officer shall be used in or take part in any dispute or controversy between employer or employee concerning wages, hours, labor or working conditions; nor shall any such officer be

1 required to serve civil process. The department may assign state traffic officers to
2 safeguard state officers or other persons.

3 **SECTION 72.** 110.07 (4) of the statutes is amended to read:

4 110.07 (4) In addition to the primary powers granted by sub. (3), any inspector
5 shall have the powers of a peace officer under s. 59.28, except that the inspector shall
6 have the arrest powers of a law enforcement officer under s. ~~968.07~~ 969.16,
7 regardless of whether the violation is punishable by forfeiture or criminal penalty.
8 An inspector shall at all times be available as a witness for the state but may not
9 conduct investigations for crimes under chs. 939 to 948 other than crimes relating
10 to the use or operation of vehicles. The primary duty of an inspector shall be the
11 enforcement of the provisions specified in sub. (3). No inspector may be used in or
12 take part in any dispute or controversy between employer or employee concerning
13 wages, hours, labor or working conditions; nor may an inspector be required to serve
14 civil process. The department may assign inspectors to safeguard state officers or
15 other persons.

16 **SECTION 73.** 111.07 (2) (b) 2. of the statutes is amended to read:

17 111.07 (2) (b) 2. The immunity provided under subd. 1. is subject to the
18 restrictions under s. ~~972.085~~ 967.18.

19 **SECTION 74.** 125.14 (6) (a) of the statutes is amended to read:

20 125.14 (6) (a) *Form of complaint.* In a prosecution for a violation of a statute
21 relating to the sale of alcohol beverages it is not necessary to allege in the complaint,
22 ~~information~~ or indictment the kind or quantity of alcohol beverages sold or the
23 person to whom it was sold. It is sufficient to allege generally that the defendant sold
24 alcohol beverages at a time and place mentioned, together with a brief statement of
25 the facts showing that the sale was a violation of this chapter.

SECTION 75. 128.16 (2) of the statutes is amended to read:

128.16 (2) The immunity provided under sub. (1) is subject to the restrictions under s. ~~972.085~~ 967.18.

SECTION 76. 133.15 (2) of the statutes is amended to read:

133.15 (2) The immunity provided under sub. (1) is subject to the restrictions under s. ~~972.085~~ 967.18.

SECTION 77. 134.43 (3) of the statutes is amended to read:

134.43 (3) Any person who is the victim of an intrusion of privacy under this section is entitled to relief under s. 995.50 (1) and (4) unless the act is permissible under ss. ~~968.27 to 968.37~~ subch. IV of ch. 968.

SECTION 78. 139.20 (2) of the statutes is amended to read:

139.20 (2) The immunity provided under sub. (1) is subject to the restrictions under s. ~~972.085~~ 967.18.

SECTION 79. 139.39 (5) (b) of the statutes is amended to read:

139.39 (5) (b) The immunity provided under par. (a) is subject to the restrictions under s. ~~972.085~~ 967.18.

SECTION 80. 146.81 (4) of the statutes is amended to read:

146.81 (4) “Patient health care records” means all records related to the health of a patient prepared by or under the supervision of a health care provider; and all records made by an ambulance service provider, as defined in s. 256.01 (3), an emergency medical technician, as defined in s. 256.01 (5), or a first responder, as defined in s. 256.01 (9), in administering emergency care procedures to and handling and transporting sick, disabled, or injured individuals. “Patient health care records” includes billing statements and invoices for treatment or services provided by a health care provider and includes health summary forms prepared under s. 302.388

(2). "Patient health care records" does not include those records subject to s. 51.30, reports collected under s. 69.186, records of tests administered under s. 252.15 (5g) or (5j), 343.305, 938.296 (4) or (5), or ~~968.38~~ 968.725 (4) or (5), records related to sales of pseudoephedrine products, as defined in s. 961.01 (20c), that are maintained by pharmacies under s. 961.235, fetal monitor tracings, as defined under s. 146.817 (1), or a pupil's physical health records maintained by a school under s. 118.125.

SECTION 81. 146.82 (2) (c) of the statutes is amended to read:

146.82 (2) (c) Notwithstanding sub. (1), patient health care records shall be released to appropriate examiners and facilities in accordance with s. ~~971.17 (2) (e), (4) (e), and (7) (e)~~ 975.56 (2), 975.59 (3), and 975.63 (4). The recipient of any information from the records shall keep the information confidential except as necessary to comply with s. ~~971.17~~ subch. III of ch. 975.

SECTION 82. 154.30 (3) (a) 2. of the statutes is amended to read:

154.30 (3) (a) 2. Any power or duty of a coroner, medical examiner, or other physician licensed to perform autopsies with respect to the reporting of certain deaths, and the performance of autopsies, under ch. 979 and with respect to inquests under subch. I of ch. 979 ~~968~~.

SECTION 83. 165.76 (1) (b) of the statutes is amended to read:

165.76 (1) (b) Has been found not guilty or not responsible by reason of mental disease or defect on or after August 12, 1993, and committed under s. 51.20 or ~~971.17~~ subch. III of ch. 975 for any violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085.

SECTION 84. 165.76 (1) (g) of the statutes is amended to read:

1 165.76 (1) (g) Has been required by a court under s. 51.20 (13) (cr), 938.34
2 ~~(15m), 971.17 (1m) (a) (15),~~ 973.047, 975.54 (2), or 980.063 to provide a biological
3 specimen to the state crime laboratories for deoxyribonucleic acid analysis.

****NOTE: Please review this section. Section 165.76 (1) (g) was created in 2009 Act 261, which was enacted after the committee approved 09-4635 (the piece of the compiled bill that affected ch. 971).

4 **SECTION 85.** 165.76 (1) (g) of the statutes, as affected by 2013 Wisconsin Acts
5 20 and (this act), is amended to read:

6 165.76 (1) (g) Has been required by a court under s. 51.20 (13) (cr), 938.21 (1m),
7 938.30 (2m), 938.34 (15), ~~970.02 (8)~~ 971.027 (7), 973.047, 975.54 (2), or 980.063 to
8 provide a biological specimen to the state crime laboratories for deoxyribonucleic
9 acid analysis.

****NOTE: This provision was affected by 2013 Act 20. See note following SECTION 667.

10 **SECTION 86.** 165.76 (1m) of the statutes is amended to read:

11 165.76 (1m) If a person is required to provide a biological specimen under sub.
12 (1) (a) to (g) and the department of justice does not have the data obtained from
13 analysis of a biological specimen from the person that the department is required to
14 maintain in the data bank under s. 165.77 (3), the department may require the
15 person to provide a biological specimen, regardless of whether the person previously
16 provided a biological specimen under this section or s. 51.20 (13) (cr), 938.34 (15),
17 ~~971.17 (1m) (a),~~ 973.047, 975.54 (2), or 980.063. The department of justice, the
18 department of corrections, a district attorney, or a county sheriff, shall notify any
19 person whom the department of justice requires to provide a biological specimen
20 under this subsection.

****NOTE: Please review this section. Section 165.76 (1m) was created in 2009 Act 261, which was enacted after the committee approved 09-4635 (the piece of the compiled bill that affected ch. 971).

SECTION 87. 165.76 (1m) of the statutes, as affected by 2013 Wisconsin Acts 20 and (this act), is amended to read:

165.76 (1m) If a person is required to provide a biological specimen under sub. (1) (a) to (gm) and the department of justice does not have the data obtained from analysis of a biological specimen from the person that the department is required to maintain in the data bank under s. 165.77 (3), the department may require the person to provide a biological specimen, regardless of whether the person previously provided a biological specimen under this section or s. 51.20 (13) (cr), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8)~~ 971.027 (7), 973.047, 975.54 (2), or 980.063. The department of justice, the department of corrections, a district attorney, or a county sheriff, shall notify any person whom the department of justice requires to provide a biological specimen under this subsection.

****NOTE: This provision was affected by 2013 Act 20. See note following SECTION 667.

SECTION 88. 165.76 (2m) (g) of the statutes is amended to read:

165.76 (2m) (g) If the person has been committed to the department of health services under s. 51.20 or ~~971.17 subch. III of ch. 975~~ or found to be a sexually violent person under ch. 980, as directed by the department of health services.

SECTION 89. 165.76 (4) (a), (b) and (c) of the statutes, as created by 2013 Wisconsin Act 20, are amended to read:

165.76 (4) (a) Establish procedures and time limits for obtaining and submitting biological specimens under this section and ss. 51.20 (13) (cr), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8)~~, ~~971.17 (1m) (a)~~ 971.027 (7), 973.047, 975.54 (2), and 980.063.

(b) Specify whether an individual who is required under this section or s. 51.20 (13) (cr), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8), 971.17 (1m) (a) 971.027 (7)~~, 973.047, ~~975.54 (2)~~, or 980.063 to provide a biological specimen for deoxyribonucleic acid analysis must provide a new biological specimen if the crime laboratories already have a biological specimen from the individual or if data obtained from deoxyribonucleic acid analysis of the individual's biological specimen are already included in the data bank under s. 165.77 (3).

(c) Allow a biological specimen, or data obtained from analysis of a biological specimen, obtained under this section or s. 51.20 (13) (cr), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), ~~970.02 (8), 971.17 (1m) (a) 971.027 (7)~~, 973.047, ~~975.54 (2)~~, or 980.063 to be submitted for inclusion in an index established under 42 USC 14132 (a) or in another national index system.

***NOTE: These provisions were created by 2013 Act 20. See note following SECTION 667.

SECTION 90. 165.765 (1m) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

165.765 (1m) A law enforcement officer; a jail officer; a tribal officer; a correctional officer; a probation, extended supervision, or parole officer; or an employee of the department of health services may use reasonable force to obtain a biological specimen from a person who intentionally refuses to provide a biological specimen that is required under s. 165.76 (1), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15), or ~~970.02 (8) 971.027 (7)~~.

***NOTE: This provision was created by 2013 Act 20. See note following SECTION 667.

SECTION 91. 165.765 (2) (a) 1. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read: